Vol. III—No. 1

Assembly Proceedings

Official Report

West Bengal Legislative Assembly

Third Session

(September, 1948)

The 6th, 7th, 8th, 9th, 10th, 13th, 14th, 15th, 16th, 17th and 18th September, 1948

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1948

GOVERNMENT OF WEST BENGAL.

GOVERNOR

His Excellency DR. KAILAS NATH KATJU.

MEMBERS OF THE COUNCIL OF MINISTERS.

1. The Hon'ble Dr. BIDHAN CHANDRA ROY, Premier, Leader of the House and Minister-in-charge of the Departments of Home (General Administration, Transport and Development) and Health and Local Self-Government.

2. The Hon'ble Sri NALINI RANJAN SARKER, Minister-in-charge of the Departments of Finance (excluding Excise) and Commerce and Industries (including Cinchona).

3. The Hon'ble Sri KIRAN SANKAR ROY, Minister-in-charge of the Home (Police and Jails) Department.

4. The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI, Minister-in-charge of the Education Department.

5. The Hon'ble Sri PRAFULLA CHANDRA SEN, Minister-in-charge of the Department of Civil Supplies.

6. The Hon'ble Sri JADABENDRA NATH PANJA, Minister-in-charge of the Department of Agriculture and Veterinary.

7. The Hon'ble Sri BIMAL CHANDRA SINHA, Minister-in-charge of the Departments of Works and Buildings and Land and Land Revenue.

8. The Hon'ble Sri NIKUNJA BEHARY MAITY, Minister-in-charge of the Department of Co-operation, Credit, Relief and Rehabilitation.

9. The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR, Minister-in-charge of the Judicial and Legislative Department.

10. The Hon'ble Sri KALIPADA MUKHERJEE, Minister-in-charge of the Labour Department.

11. The Hon'ble Sri BHUPATI MAJUMDAR, Minister-in-charge of the Department of Irrigation and Waterways.

12. The Hon'ble Sri MOHINI MOHAN BARMAN, Minister-in-charge of Excise Department.

13. The Hon'ble Sri HEM CHANDRA NASKAR, Minister-in-charge of the Forest (excluding Cinchona) and Fisheries Department.

WEST BENGAL LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS.

SPEAKER.

The Hon'ble Sri ISWAR DAS JALAN.

DEPUTY SPEAKER.

SRI ASHUTOSH MALLICK.

SECRETARY.

Sri AJITA RANJAN MUKHERJEA, M.SC., B.L.

ASSISTANT SECRETARY.

Sri CHARU CHANDRA CHAKRABARTY, B.L.

REGISTRAR.

Janab RAFIQUR RAHMAN, M.A., B.L.

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Wahid Sarkar, Janab. [Hooghly.]
Abdullah, Janab S. M. [24-Parganas Municipal.]
Abdur Rahman, Janab A. F. M. [24-Parganas North-East.]
Abdur Rahman Siddiqi, Janab. [Muslim Chamber of Commerce.]
Abul Hashem, Janab [Burdwan.]

B

Badrudduja, Janab Syed. [Jangipur.]
Bandopadhyaya, Sri Pramatha Nath. [Midnapore South-West.]
Banerjee, Sri Sibnath. [Howrah (Registered Factories).]
*Banerjee, Sri Susil Kumar. [Howrah.]
Banerji, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]
Barman, The Hon'ble Sri Mohini Mohan. [Jalpaiguri-*cum*-Siliguri.]
Barman, Sri Syama Prasad. [West Dinajpur-*cum*-Malda.]
Basu, Sri Hemanta Kumar. [Calcutta North.]
Basu, Sri Jyoti. [Railway Trade Union.]
Bhandari, Sri Charu Chandra. [24-Parganas North-West.]
Bhattacharyya, Sri Shyamapada. [Murshidabad.]
Bhowmick, Srijukta Bina. [Calcutta General.]
Brahmin, Sri Ratanlal. [Darjeeling Sadar.]

---

*Parliamentary Secretary.

C

Chakravarty, Sri Satish Chandra. [Northern Districts Municipal.]

Chatterjee, Sri Haripada. [Nadia.]

Chaudhuri, The Hon'ble Sri Rai Harendra Nath. [Bankura East.]

Choudhury, Sri Annada Prosad. [Jhargram-*cum*-Ghatal.]

Clarke, Mr. C. E. [Calcutta Trades Association, Indian Jute Mills Association, Indian Tea Association and Indian Mining Association.]

D

Das, Sri Radha Nath. [Hooghly North-East.]

Das Gupta, Sri Khagendra Nath. [Jalpaiguri-*cum*-Siliguri.]

*Dass, Sri Kanai Lal. [Burdwan Central.]

De, Sri Kanai Lal. [Bankura West.]

*Dolui, Sri Harendra Nath. [Jhargram-*cum*-Ghatal.]

Dutt-Mazumdar, The Hon'ble Sri Niharendu. [Barrackpore (Registered Factories).]

G

Ganguli, Sri Bepin Behari. [24-Parganas Municipal.]

Gayen, Sri Arabinda. [Howrah.]

Ghose, Sri A. K. [Bengal National Chamber of Commerce.]

Ghose, Sri Bimal Comar. [Bengal National Chamber of Commerce.]

Ghosh, Dr. P. C. [Birbhum.]

Gomes, Mr. D. [Calcutta-*cum*-Presidency Division.]

Gupta, Sri J. C. [Calcutta South Central.]

H

Haldar, Sri Kuber Chand. [Murshidabad.]

Husan Ara Begum, Janab. [Calcutta Muhammadan.]

I

Ilias Ali Mollah, Janab. [24-Parganas Central.]

J

Jalan, The Hon'ble Sri Iswar Das. [Calcutta West.]

Jasimuddin Ahmed, Mr. [24-Parganas South.]

K

Kazim Ali Mirza, Shahibzada Kawan Jah Saiyid, Janab. [Murshidabad South-West.]

Khuda Bukhsh, Janab Md. [Berhampore.]

M

Mahammad Sayeed Mia, Janab. [Malda.]

Mahanty, Sri Charu Chandra. [Midnapore Central.]

Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan. [Burdwan Landholders.]

Maiti, The Hon'ble Sri Nikunja Behari. [Burdwan Division North Municipal.]

---

*Parliamentary Secretary.

Majhi, Sri Nishapati. [Birbhum.]
Majumdar, The Hon'ble Sri Bhupati. [Hooghly-*cum*-Howrah Municipal.]
Mal, Sri Iswar Chandra. [Midnapore South-East.]
Mallick, Sri Ashutosh. [Bankura West.]
Mandal, Sri Annadaprasad. [Burdwan North-West.]
Mandal, Sri Bankubehari. [Burdwan North-West.]
Mandal, Sri Krishna Prasad. [Midnapore Central.]
Mohammad Rafique Shaikh. [Calcutta North.]
Mohammad Sharif Khan, Janab. [Hooghly-*cum*-Howrah Municipal.]
Molla Mohammad Abdul Halim, Janab. [Nadia.]
Mookerjee, The Hon'ble Sri Kalipada. [Calcutta East.]
Mudassir Hossain, Janab. [Birbhum.]
Muhammad Idris, Janab. [Howrah.]
Muhammad Qumruddin, Janab. [Barrackpore Municipal.]
Muhammad Siddique, Dr. Syed. [Bankura.]
Mukherji, Sri Dhirendra Narayan. [Hooghly North-East.]
Murarka, Sri Basantlal. [Calcutta Central.]
Musharruff Hossain, Janab. [Jalpaiguri-*cum*-Darjeeling.]

N

Nandy, Maharaja Sris Chandra. [Presidency Landholders.]
Naskar, Sri Ardhendu Sekhar. [24-Parganas North-West.]
Naskar, The Hon'ble Sri Hem Chandra. [24-Parganas South-East.]

P

Panja, The Hon'ble Jadabendra Nath. [Burdwan Central.]
Pentony, Mr. L. R. [Anglo-Indian.]
Platel, Mr. R. E. [Anglo-Indian.]
Poddar, Sri Anandilal. [Marwari Association.]
*Pramanik, Sri Rajani Kanta. [Midnapore East.]

R

Ricketts, Mrs. E. M. [Anglo-Indian.]
Roy, The Hon'ble Dr. Bidhan Chandra. [University.]
Roy, Sri Jajneswar. [Jalpaiguri-*cum*-Siliguri.]
Roy, The Hon'ble Sri Kiran Sankar. [West Dinajpur-*cum*-Malda.]

S

Sarkar, The Hon'ble Sri Nalini Ranjan. [Indian Chamber of Commerce.]
Sen, Sri Debendra Nath. [Colliery (Coal Mines).]
Sen, The Hon'ble Sri Prafulla Chandra. [Hooghly South-West.]
Serajuddin Ahammad, Janab. [Midnapore.]
Shamsul Huq, Janab. [Calcutta South.]
Sinha, The Hon'ble Sri Bimal Chandra. [24-Parganas South-East.]

W

Walker, Mr. J. R. [Bengal Chamber of Commerce.]
Wilks, Mr. G. C. D. [Anglo-Indian.]

Z

Zaman, Janab A. M. A. [Hooghly-*cum*-Serampore (Registered Factories).]

---

*Parliamentary Secretary.

THE WEST BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Third Session, 1948.

Volume III—No. 1.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 6th September, 1948, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 10 Hon'ble Ministers and 56 members

Affirmation of Allegiance

The following members took the affirmation of allegiance:—

(1) The Hon'ble Sri Nalini Ranjan Sarker,
(2) The Hon'ble Sri Rai Harendra Nath Chaudhuri,
(3) The Hon'ble Sri Prafulla Chandra Sen,
(4) The Hon'ble Sri Kiran Sankar Roy, and
(5) Sri Shyama Prasad Barman

Obituary.

Mr. SPEAKER: Before we take up the business of the House it is my painful duty to refer to the death of two of our esteemed colleagues Mr Damber Singh Gurung and Sri Satish Chandra Bose. Sri Damber Singh Gurung was a member of this Assembly since 1937 and he represented the Darjeeling General Constituency. He served his constituency well. He was a quiet but at the same time a very earnest worker. In him we have lost a very valued colleague of ours.

The second gentleman Sri Satish Chandra Bose was well-known to all of us. He entered this Assembly in 1946 and since then he took considerable part in the proceedings of this House He was the eldest brother of our esteemed and revered leaders Netaji Subhas Chandra and Sri Sarat Chandra Bose. He was a very straightforward man of integrity and amiability, and he was a man of extreme courtesy In him we have lost a very valued colleague and we have been deprived of his services which he could have rendered to this House.

Ladies and gentlemen, our heartfelt sympathy goes to the relatives of the deceased, and I hope it is the desire of the House that our condolence should go to the members of the bereaved families I now request you, ladies and gentlemen, to rise in your seats and signify your assent to it.

(Members rose in their seats.)

Thank you, ladies and gentlemen. The Secretary will do the needful.

As a mark of respect to the memory of the deceased and according to the convention observed in this House, I adjourn the House till tomorrow 3-30 p.m.

Adjournment.

The House was accordingly adjourned at 4-8 p.m. till 3-30 p.m. on Tuesday, the 7th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 7th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 10 Hon'ble Ministers and 57 members.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provision of rule 6 of the West Bengal Legislative Assembly Procedure Rules, I nominate the following four members of the Assembly to form a Panel of Chairmen for the ensuing session:—

(1) Sri J. C. Gupta,

(2) Janab A. F. M. Abdur Rahman,

(3) Sri A. K. Ghose, and

(4) Mrs. Edna May Ricketts.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

Committee of Petitions.

Mr. SPEAKER: In accordance with the provision of rule 72 of the West Bengal Legislative Assembly Procedure Rules, I nominate the following seven members of the Assembly to form a Committee of Petitions with the Deputy Speaker as Chairman:—

(1) Sri J. C. Gupta,

(2) Sri Radha Nath Das,

(3) Sri A. K. Ghose,

(4) Mrs. Bina Bhowmick,

(5) Janab Abdur Rahman Siddiqi,

(6) Janab Md. Khuda Bukhsh, and

(7) Mr. L. R. Pentony.

STARRED QUESTIONS

(to which oral answers were given)

Grants to schools and colleges.

***1. Sri SATISH CHANDRA CHAKRAVARTY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the amount of grants sanctioned to schools and colleges for the years 1947-48 and 1948-49?

(*b*) Will the Hon'ble Minister be pleased to state whether the total amount of such grants for the year 1948-49 is in excess of grant for 1947-48?

(*c*) If the reply to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the principles on which—

(*i*) such excess grants have been sanctioned; and

(*ii*) such grants will be distributed?

(*d*) Will the Hon'ble Minister be pleased to state also if the extra amount sanctioned or any portion thereof has been specified for improving the conditions of teachers?

(*e*) If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Sri Rai Harendra Nath Chaudhuri): (*a*) The table below shows the position of direct grants to schools and colleges for 6½ months of 1947-48 after Partition as well as for 1948-49—

	For 6½ months of 1947-48 after Partition.	For the full year of 1948-49.
	Rs.	Rs.
(*i*) Grants to non-Government arts colleges ..	3,49,000	8,04,000
(*ii*) Grants to non-Government professional colleges	2,00,000	..
(*iii*) Grants to non-Government secondary schools	17,56,000	44,40,700
(*iv*) Grants to non-Government special schools ..	3,24,200	4,01,900
(*v*) Direct grants to non-Government primary schools	4,21,000	7,38,500
Total ..	30,50,200	63,85,100

Apart from the above there are the following grants:—

	For 6½ months of 1947-48 after Partition.	For the full year of 1948-49.
Grants to—	Rs.	Rs.
University	8,31,000	14,64,000
Local bodies for Primary Education ..	22,79,000	36,23,000
Visva Bharati	25,000	40,000
Santiniketan and Sriniketan	..	50,000

There is also provision for a grant of Rs 40,000 to the Jadavpur College, a non-Government Professional College, from the Development Budget for 1948-49.

A non-lapsable fund called "the Fund for promotion of education amongst educationally-backward classes" has been created for providing special facilities for the education of members of Scheduled Castes as well as to other educationally-backward classes including Muslims. The provisions under this head are shown below:—

	Rs.
For the 6½ months of 1947-48 after Partition ...	5,26,000
For the full year of 1948-49 ...	11,48,000

(*b*) Yes, the grants in items (*i*) to (*v*) in (*a*) above for the year 1948-49 exceed those of the previous year. The provision in the budget for 1947-48 was for 6½ months only. Deducting extra non-recurring expenses of Rs.4,74,000 the provisions of 1947-48 come to Rs.25,76,000 for 6½ months. On that basis the provision for the whole year would have been Rs.47,55,000. The excess is therefore Rs.16,30,000 approximately.

(*c*) The principles on which the excess grants have been provided for and will be distributed are stated below:—

(*i*) The additional grant Rs.16,30,000 will be distributed in the following manner:—

Rs.1,00,000 for strengthening research facilities in non-Government colleges;

Rs.2,30,000 for building grants to non-Government colleges on the basis of grant-in-aid rules; and

Rs.13,00,000 as additional grants for the improvement of non-Government secondary schools.

It is expected that a substantial part of the additional provision will go to ameliorate the conditions of service of school teachers.

Total—Rs.16,30,000.

(*ii*) The additional grant has been provided to the University to meet recurring expenditure in the Post-Graduate Department and improving existing educational and research facilities.

(*d*) The attention of the honourable member is invited to my reply to (*c*) above. It may, however, be added Rs.2 was given as extra dearness allowance last year to the Primary School teachers. In lieu of this, it has been decided this year to grant increment of pay by Rs.2 out of the Development Grant involving an expenditure of Rs. 8,28,000.

(*e*) Does not arise.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state, with regard to answer (*d*), whether he thinks that in view of the tremendous rise in the cost of living in Bengal today, Rs. 2 is a sufficient allowance for school teachers?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: That is an increment, not the full allowance.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state what exactly is the average income of a school teacher in Bengal today?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: I am not acquainted with their budget.

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state what dearness allowance, if any, a school teacher gets over and above his basic salary?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: So far as I remember, in the primary stage they get Rs. 5 as dearness allowance after this increment has been allowed and Rs. 5 is also the rate at which dearness allowance is given to the secondary school teachers and Rs. 10 is given to the college teachers, I believe.

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state whether, in view of the tremendous rise in the living cost today, the dearness allowance that he has said he gives to the different grades of teachers is sufficient?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: I do not think I can express any opinion on the subject because, after all, that is connected with a larger question.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state whether he is aware that even an India Government porter today gets Rs. 20 as dearness allowance in Calcutta?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: I am not aware.

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state what dearness allowance a Government servant getting about the same pay as a teacher gets in Calcutta or anywhere else under the Government?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: The question should be addressed to the Hon'ble Finance Minister.

Shaik MOHAMAD RAFIQUE: What is the dearness allowance paid to a teacher of the Calcutta Corporation primary school?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: I am not aware of it.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state, with reference to answer (*d*), what is the principle that guides financial expenditure out of the Development Fund?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: That general question is not amenable to answer; if you quote any particular scheme, then the principle can be explained, otherwise not.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if Government consider it undesirable to finance recurring expenditure from out of the Development Fund?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Not certainly in all cases.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if the dearness allowance that is given to the existing school teachers or increment of pay given to the existing school teachers is ordinary or development expenditure?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: The hon'ble member must have noticed that it is now proposed to be given as an increment of pay.

Janab MD. KHUDA BUKHSH: Arising out of the answer given by the Hon'ble Minister that my former supplementary question be addressed to the Finance Minister, will the Hon'ble Minister be pleased to state if he is aware of the rate of dearness allowance given to the other Government servants in the same salary field as a primary school teacher?

The Hon'ble Sri NALINI RANJAN SARKER: Am I to answer this question without notice?

Janab MD. KHUDA BUKHSH: I have addressed the question to the Hon'ble Minister in charge

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Notice please.

Sri BIMAL COMAR GHOSE: With reference to answer (*d*) will the Hon'ble Minister be pleased to state whether the expenditure of Rs. 8,28,000 is additional to the expenditure of amounts mentioned in answer 1(*a*)?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Yes; that is additional. This is an increment. You should have understood that.

Sri BIMAL COMAR GHOSE: The total expenditure is given in table 1(*a*). The question is whether this also covers the amount shown in (*d*), viz., Rs. 8,28,000.

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: No.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if he is aware of the pay and dearness allowance paid to the primary teachers in Calcutta in private and public institutions?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Sorry; I am not aware of that.

Grant-in-aid to High English Schools in the district of Murshidabad and refugee students.

*2. **Maharaja SRIS CHANDRA NANDY of Cossimbazar:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the policy of the Government in sanctioning capital grant and recurring grant-in-aid to High English Schools;

(*ii*) the number of the High English Schools in the district of Murshidabad;

(*iii*) the number of the High English Schools in the district of Murshidabad enjoying recurring grant-in-aid; and

(*iv*) the number of High English Schools in the district of Murshidabad that have been refused capital or recurring grant, with reasons for such refusal in each case?

(*b*) Is the Hon'ble Minister aware that the High English Schools in West Bengal are facing a problem in accommodating the refugee students coming from Eastern Pakistan?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken or propose to take for accommodation of such students?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Minister consider the desirability of ascertaining the difficulties, if any, of such High English Schools and taking necessary steps to remove those difficulties?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: (*a*)(*i*) Capital grant and grant-in-aid are sanctioned in accordance with the rules prescribed in the Bengal Education Code, for recognised and deserving institutions.

(*ii*) Thirty-six.

(*iii*) Thirteen.

(*iv*) None.

(*b*) and (*c*) I am fully aware of the problem, and necessary steps have already been taken by the Government in this as well as in the Co-operation, Credit and Relief (Relief) Department to meet the requirements of the situation. Two senior officers of the Education Department—one Inspector and one Inspectress of Schools—have been deputed specially to assist the Relief Department in connection with the relief and rehabilitation of these displaced students and teachers. Three Assistant Education Officers—two men and one woman—have been appointed by the Relief Department in this connection.

The general plan of action as decided upon is mentioned below—

(1) Double shift arrangements may be made in all institutions to absorb refugee students as far as possible.

(2) Additional sections may be opened to absorb refugee students and all additional staff should be recruited from qualified refugee teachers.

(3) New schools and hostels may be started where arrangements mentioned in (1) and (2) above are unable to solve the problem of accommodation satisfactorily.

(4) Capital grants will be sanctioned to institutions or colleges for building purposes and for buying additional equipment and furniture.

(5) Deficits in connection with the starting of new schools and the appointment of additional staff from refugee teachers will be met by appropriate recurring grant.

(6) Refugee students undergoing studies in colleges will be given loans for maintenance for the purchase of books, outfits and fees in accordance with the scale prescribed by Government.

The main features of the progress of work under this scheme up to 9th August, 1948, are furnished below:—

(1) Hostel accommodation has been found for 400 students.

(2) Three hundred and three refugee teachers have found employment in schools.

(3) Thirty new institutions have been started for refugee students.

(4) Forty-five schools are running on double shifts.

(5) Four hundred and nine students have been granted loans.

To this I may add that free grants to the tune of Rs. 2,25,000 have been given to refugee students.

(6) A sum of Rs. 1,40,000 has been placed at the disposal of the District Magistrates for giving grants to schools in connection with free tuition and free books to needy refugee students.

(7) Expansion of teaching accommodation in 9 schools—one in Murshidabad, two in Nadia and the rest in the district of 24-Parganas—has been accepted in principle by Government.

The Government are also considering the question of additional residential accommodation in three different centres under the Ramkrishna Mission.

The progress of the work in educational relief is supervised and co-ordinated by a Committee consisting of the Education Secretary, the Director of Public Instruction, the Relief Commissioner and a number of non-official members.

(*d*) Does not arise.

Shaik MOHAMAD RAFIQUE: The Hon'ble Minister has read out in his reply to the question that additional sections have been opened whereas in the printed reply it is stated "additional sections may be opened". Will the Hon'ble Minister be pleased to state what is the fact?

The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: The hon'ble member should have easily understood this thing, because in speaking about the general plan it is said "may be", and what actually has been done has been stated later on.

Shaik MOHAMAD RAFIQUE: So it should be corrected.

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: No, no; one refers to the plan and the other to the execution of the plan.

Shaik MOHAMAD RAFIQUE: If I may be permitted to say I would point out that the Hon'ble Minister while reading this reply "additional sections may be opened" read "additional sections have been opened".

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: No, no. The earlier part states the plan. Therefore the expression "may be" has been used.

Sri SHYAMAPADA BHATTACHARYYA: Will the Hon'ble Minister be pleased to state whether any applications are still pending for grants to schools?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Are you referring to (4)?

Sri SHYAMAPADA BHATTACHARYYA: I am referring to the general plan. "The main features of the progress of work are furnished below: Thirty new institutions have been started for refugee students and forty-five schools are running on double shifts." This is on page 4. I should like to know whether any applications are still pending?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Sorry; I should ask for notice. I do not believe there is any application pending.

Sri SHYAMAPADA BHATTACHARYYA: Will the Hon'ble Minister be pleased to state whether girl students are also included in this category?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: Certainly, both boys and girls.

Sri JYOTI BASU: With reference to answer on page 4 under "progress of work" will the Hon'ble Minister be pleased to state what is the total number of refugee students who are to be accommodated in hostels, because it is stated that only 400 students have been accommodated?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: It is very difficult to answer this question. We have not got the number before us now.

Sri JYOTI BASU: Approximately?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: No; I cannot give you any approximate number.

Sri KANAI LAL DE: মাননীয় মন্ত্রী মহাশয় বলেছেন যে আড়াই লক্ষ টাকা free loan দেওয়া হয়; এটি শুধু মুর্শিদাবাদ জেলায় না West Bengalএ।

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: No, no, throughout West Bengal.

Janab MD. KHUDA BUKHSH: Arising out of the answer given by the Hon'ble Minister, As loans are being advanced to refugee school students, will he please state the maximum allowable to any single student?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: I am sorry the figure is not before me.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state as to how many refugee teachers have applied for jobs in West Bengal?

The Hon'ble Sri RAI HARENDRA NATH CHAUDHURI: I would ask for notice.

Bridge over the Silabati river at Ghatal.

*3. **Sri ANNADA PROSAD CHOWDHURI:** (*a*) Will the Hon'ble Minister in charge of the Works and Buildings (Communications) Department be pleased to state—

(*i*) whether it is a fact that the floating bridge at Ghatal, over which no animals or wheeled traffic can pass, is causing administrative difficulty by dividing the subdivision from the point of view of communication; and

(*ii*) whether the question of construction of a permanent bridge over the Silabati river is under consideration?

(*b*) If so, will the Hon'ble Minister be pleased to state from when the matter has been under consideration and what was the result thereof?

MINISTER in charge of the WORKS and BUILDINGS (COMMUNICATIONS) DEPARTMENT (the Hon'ble Sri Bimal Chandra Sinha): (*a*) (*i*) Yes, animals can pass over the bridge but no wheeled traffic can be allowed to cross it.

(*ii*) No. The bridge belongs to the Ghatal Municipality and is purely of local importance. The municipality represented recently to this department the necessity of a permanent bridge over the river. Their representation has been endorsed to the Health and Local Self-Government Department and the municipality has been advised to apply, if necessary, to that department for a loan to finance the construction of the bridge.

(*b*) Does not arise.

I may, however, add that very recently the Government have decided to include the Chandrakona Road Station and Ghatal in the first year's programme for the district and the bridge will therefore be constructed by the Provincial Government as a result of the inclusion of this road in the first five-year programme.

Metalled roads in 24-Parganas.

*4. **Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state—

(*a*) the total mileage of metalled roads maintained by Government in the district of 24-Parganas, and

(*b*) the average cost of maintenance per mile?

The Hon'ble Sri BIMAL CHANDRA SINHA: (*a*) 321 miles approximately.

(*b*) Rs.3,755.

Land acquisition at Khardah, district 24-Parganas.

*5. **Sri JYOTI BASU:** (*a*) Will the Hon'ble Minister in charge of the Land and Land Revenue Department be pleased to state whether it is a fact that Government by notification in January, 1946, proposed to acquire more than 100 acres of land within Khardah and other adjoining thanas in the district of 24-Parganas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many people have been affected thereby;

(*ii*) whether any representation or application has been received by Government from the affected people for reconsideration of the said orders; if so, what was the result thereof;

(*iii*) whether Government has made any scheme for resettlement of affected residences; if so, what is the scheme; and if not, why not;

(*iv*) whether any relief other than pecuniary relief has been granted to the owners of the requisitioned lands;

(*v*) whether it is a fact that pecuniary relief desired to be granted to landowners by Government is far below the present level of prices; and

(*vi*) if so, what are the reasons for granting pecuniary relief below the market price; and does the Government intend to take any step in the matter?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the acreage of lands acquired; or

(*ii*) the acreage of lands for which notice of acquisition has been served by Government in districts during the period—

(A) from the 15th August, 1947, to 31st January, 1948, and

(B) three years just prior to the Partition of the Province?

MINISTER in charge of the LAND and LAND REVENUE DEPARTMENT (the Hon'ble Sri Bimal Chandra Sinha): (*a*) Yes.

(*b*) (*i*) About fifty.

(*ii*) There were two cases, one involving 1·26 acres and the other 122·14 acres. In the first case notification has been cancelled. In the second case all the objections have been overruled excepting two, one of which has been accepted and the other is still under consideration.

(*iii*) Decision has not yet been arrived at. There is, however, no such provision in the Land Acquisition Act.

(*iv*), (*v*) and (*vi*) The only form of relief permissible under the Land Acquisition Act is the compensation that will be paid under the provisions of the Land Acquisition Act.

(*c*) (*i*) (A) 1,859·69 acres.

(B) 23,212·8624 acres.

(*ii*) (A) 1,623·017 acres.

(B) 53,850·0477 acres.

Sri JYOTI BASU: With regard to answer (*iii*) that the decision has not yet been arrived at, will the Hon'ble Minister be pleased to state whether he is, even at this stage, considering taking any decisions with regard to the resettlement of the people affected?

The Hon'ble Sri BIMAL CHANDRA SINHA: Government is considering the problem of resettling the refugees as a whole.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state with regard to answers (*iv*), (*v*) and (*vi*) whether the Government is at all considering the fact that cement, tin and other things are not available to these people affected and see whether the Government will grant them these things if they wish to settle elsewhere?

The Hon'ble Sri BIMAL CHANDRA SINHA: This question should be addressed to the Hon'ble Minister for Civil Supplies but I can tell the hon'ble member that in all these cases where their resettlement is in question Government takes a very sympathetic view and gives priority so far as it is possible

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state with regard to the last answer given whether, in view of the sympathetic attitude, anything at all has been done with regard to these 50 people, as he says, who have been affected by the scheme?

The Hon'ble Sri BIMAL CHANDRA SINHA: As the hon'ble member will see from my reply the whole scheme has not yet been made final and some portion of it is still under consideration. When final decision is arrived at, the honourable member's suggestion will be considered.

Deficit areas of Karimpur and Tehatta thanas.

***6. Sri SHYAMAPADA BHATTACHARYYA:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that the areas of Karimpur and Tehatta thanas are permanently deficit areas?

(*b*) If the answer to (*a*) is in the affirmative, does the Hon'ble Minister consider the desirability of taking early steps to improve the food position and food supply in those areas?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Sri Prafulla Chandra Sen): (*a*) Yes.

(*b*) In pursuance of the revised Food Policy of the Government of India, the extent of Government commitments in respect of food supplies have been greatly curtailed and modified rationing has been withdrawn from the area with effect from 1st January, 1948. Supplies are however made available to this area when the prices rise very high. Recently, arrangements have been made for release of 3,000 maunds of rice from the Procurement Godown at Murshidabad for distribution in Karimpur thana under the direct supervision of the Congress Committee.

Sri SHYAMAPADA BHATTACHARYYA: Will the Hon'ble Minister be pleased to state the total produce of these two thanas?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I want notice; I have not got the figures.

Sri SHYAMAPADA BHATTACHARYYA: Will the Hon'ble Minister be pleased to state whether 3,000 maunds of rice is sufficient to feed these two thanas every year?

The Hon'ble Sri PRAFULLA CHANDRA SEN: It happens like this that as soon as rice is rushed there, the price falls.

Sri ANANDILAL PODDAR: Will the Hon'ble Minister be pleased to state as to what he considers to be a high price for rice?

The Hon'ble Sri PRAFULLA CHANDRA SEN: It varies according to the income level of the different persons.

Sri BIMAL COMAR CHOSE: The price of rice is very high at a particular place, because it is related to the high price of other commodities and to lower the price it is necessary to send supplies to a particular place. Has the price of the rice newly supplied any bearing on the price already ruling at that place?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Whatever supplies Government sends to a particular place, it is sold to the people at Rs. 17-8, at the controlled price.

Hooghly-Chinsura Municipality.

***7. Sri SATISH CHANDRA CHAKRAVARTY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Hooghly-Chinsura Municipality has been given compensation by Government for the damages of its roads due to military traffic?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount thereof?

(*c*) Will the Hon'ble Minister be pleased to state whether there is any Government supervision on the road-repair works done by the said Municipality?

(*d*) If the answer to (*c*) is in the negative, do the Government consider the desirability of having the road-repair works supervised by Government?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy): (*a*) and (*c*) No.

(*b*) Does not arise.

(*d*) Government have no such arrangement in contemplation.

UNSTARRED QUESTION

(answer to which was laid on the table)

Free distribution of milk-powder.

1. Sri ANNADA PROSAD CHOUDHURI: (*a*) Will the Hon'ble Minister in charge of the Relief and Rehabilitation Department be pleased to state the amount spent on the purchase or procurement of milk-powder for free distribution in the Province of West Bengal during the period from 15th August, 1947, up to February, 1948?

(*b*) Will the Hon'ble Minister be also pleased to state the figures, if available, in respect of the Province of Bengal, showing the amount spent for the purpose referred to in (*a*) during the years 1943-44, 1945-46, 1946-47, and up to 14th August, 1947?

The Hon'ble Sri NIKUNJA BEHARY MAITY: (*a*) Nil.

		Rs.	
(*b*)	1943-44	. 4,85,000	(approximately).
	1945-46	... 23,84,000	(approximately).
	1946-47	. 58,70,000	(approximately).
	1947-48 (up to 14th August, 1947).	... 5,445	(approximately).

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state as to why there is no expenditure under this head during the current year?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (On behalf of the Hon'ble Sri Nikunja Behary Maity): It may be noted that no expenditure was incurred on the purchase of milk-powder since the 15th of August last. The present distribution is being made from out of the stock purchased from before the 15th August. Government have however placed orders with the Indian Trade Corporation for the supply of 210 tons of full cream powder milk at a cost of Rs. 7,28,000. It is not known when the consignment will arrive.

STARRED QUESTION

(to which oral answer was given)

Statistics of Agricultural Produce in West Bengal.

***8. Sri ANNADA PROSAD MONDAL:** (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

তিনি কি অবগত আছেন যে—

(*i*) পশ্চিমবঙ্গের উৎপন্ন ফসলের যে হিসাব আছে তাহাতে উৎপন্ন ফসলের পরিমাণ কম করিয়া লেখান হইয়াছে, and

(*ii*) চাষীরা উৎপন্ন ফসলের পরিমাণ কম করিয়া লেখায়?

(*b*) অবগত থাকিলে পশ্চিমবঙ্গে উৎপন্ন ধান্য ইত্যাদি ফসলের পরিমাণ ঠিক করিয়া জানিবার প্রয়োজনীয়তা তিনি মনে করেন কি?

(*c*) ইহা কি সত্য যে, রেশন এলাকায় খাদ্যের পরিমাণ যদি বাড়ান না হয়, তাহা হইলে চোরাকারবারকে প্রশ্রয় দেওয়া হইবে?

(*d*) যদি তাহাই হয়, তাহা হইলে চোরাকারবার বন্ধ করিবার জন্য ঐ নিয়ন্ত্রণ ব্যবস্থা তুলিয়া দিবার প্রয়োজনীয়তা তিনি মনে করেন কি?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (*a*) (*i*) না।

(*ii*) and (*b*) ভারতীয় পরিসংখ্যান প্রতিষ্ঠান (Indian Statistical Institute) নমুনা পরীক্ষা করিয়া উৎপন্ন ফসলের একরপ্রতি যে নির্দিষ্ট ধার্য্য করেন বর্ত্তমান বৎসর হইতে সরকার তাহাই গ্রহণ করিবেন। পরিসংখ্যান প্রতিষ্ঠান পদ্ধতি অনুসারে ইতস্ততঃ ভিন্ন ভিন্ন দাগের জমি নির্ব্বাচন করিয়া পরীক্ষামূলক ফসল কাটার ফলাফল বিচার করিয়া একরপ্রতি উৎপাদনের পরিমাণ নির্দ্ধারণ করা হয়। সুতরাং চাষীদের উৎপন্ন ফসলের পরিমাণ কম করিয়া লেখানোর প্রশ্নই উঠে না।

(*c*) একথা ঠিক যে রেশন এলাকায় খাদ্য বরাদ্দের পরিমাণ কম হইলে চাউলের চোরাকারবার কিছু প্রশ্রয় পায়। কিন্তু সেরূপ চোরাকারবার খুব ব্যাপক নহে। খুব বেশী হইলে কলিকাতায় প্রতিদিন আনুমানিক ৫০০০০ মন চাউলের চোরা চালান আসে, অর্থাৎ মাথাপিছু দৈনিক ½ ছটাকের বেশী নহে।

(*d*) কলিকাতার রেশনভুক্ত এলাকায় চাউলের এই সামান্য চোরাকারবার চাল থাকার অজুহাতে খাদ্য নিয়ন্ত্রণ ব্যবস্থা তুলিয়া দেওয়া সমীচীন হইবে বলিয়া মনে হয় না। বিশেষ করিয়া খাদ্য বিনিয়ন্ত্রণের ফলে আসাম, যুক্তপ্রদেশ এবং অন্যান্য বাড়তি (surplus) অঞ্চলের যেরূপ মূল্য বৃদ্ধি হইয়াছে তাহাতে নিয়ন্ত্রণ ব্যবস্থা উঠাইয়া যায় না। নিয়ন্ত্রণের বিলোপে মুদ্রাস্ফীতির কুফল বৃদ্ধি পাইবে।

Janab Md. KHUDA BUKHSH: অতিরিক্ত প্রশ্ন। Sir, মাননীয় মন্ত্রী মহাশয় বলবেন কি যে উনি কেমন করে জানলেন দৈনিক কলিকাতায় আনুমানিক পাঁচ হাজার মন চোরা চাল আসে।

The Hon'ble Sri PRAFULLA CHANDRA SEN: ওটা লেখা আছে "আনুমানিক",—অনুমানে ঐ দাঁড়াচ্ছে।

Janab Md. KHUDA BUKHSH: মন্ত্রী মহাশয় কেমন করে জানলেন?

The Hon'ble Sri PRAFULLA CHANDRA SEN: এর চেয়ে বেশী আমরা সংগ্রহ করতে পারিনি, এটা correct figure কিনা জানি না, পাঁচ হাজারও হতে পারে, বেশীও হতে পারে।

Janab Md. KHUDA BUKHSH: এই যে ৫ হাজার মন চাল চোরা কারবার করছে তা কোথা থেকে আসে জানেন কি?

The Hon'ble Sri PRAFULLA CHANDRA SEN: এ ২৪-পরগণা থেকেও আসে আবার অন্য পথ দিয়েও আসে, আমার মোটামুটি জানা আছে।

Janab Md. KHUDA BUKHSH: কোন পথে আসে জলপথে কি স্থলপথে?

The Hon'ble Sri PRAFULLA CHANDRA SEN: কিছু জলপথেও আসে, কিছু স্থলপথেও।

Adjournment Motion.

Sri JYOTI BASU: Sir, I find that you have refused consent to my adjournment motion on the question of firing by the police on the staff of the Port Commissioners of Calcutta. Sir, in the heart of Calcutta a firing took place, and I am at a loss to understand why even in a matter like this you have refused consent

Mr. SPEAKER: Order, order. I am not to give any reply as to why I have refused consent The question is that you have already tabled a motion disapproving the West Bengal Security (Amendment) Ordinance and at the time of moving it you will have an opportunity of raising this matter. As a matter of fact, in the Budget session also we did not allow adjournment motions to be moved and discussed in the House because such matters could as well be raised in the course of the Budget discussion.

Sri JYOTI BASU: Even if the police are firing on the people? That is no interpretation.

Mr. SPEAKER: Order, order. I have nothing further to add.

Report of the Assembly Committee on the Rules for and Rules regulating the procedure of the Assembly Department.

Sri ASHUTOSH MALLICK: With your permission I beg to place before the House the ad-interim report on the Rules for and Rules regulating the procedure of the Assembly Department and I beg to move that the time for submission of the final report be extended till the 30th September, 1948.

Mr. SPEAKER: Is there any objection? (There was no objection.) The motion is carried.

ORDINANCES.

The Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA (on behalf of the Hon'ble Sri Jadabendra Nath Panja): Sir, under section 88(2)(*a*) of the Government of India Act, 1935, I beg to lay the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948 (West Bengal Ordinance No. I of 1948), before the Assembly.

The West Bengal Land Development and Planning Ordinance, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, under section 88(2)-(*a*) of the Government of India Act, 1935, I beg to lay the West Bengal Land Development and Planning Ordinance, 1948 (West Bengal Ordinance No. II of 1948), before the Assembly.

The 24-Parganas District Board (Dissolution) Ordinance, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, under section 88(2)-(*a*) of the Government of India Act, 1935, I beg to lay the 24-Parganas District Board (Dissolution) Ordinance, 1948 (West Bengal Ordinance No. III of 1948), before the Assembly.

The Calcutta Improvement (Amendment) Ordinance, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, under section 88(2)-(*a*) of the Government of India Act, 1935, I beg to lay the Calcutta Improvement (Amendment) Ordinance, 1948 (West Bengal Ordinance No. IV of 1948), before the Assembly.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, under section 88(2)-(*a*) of the Government of India Act, 1935, I beg to lay the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948 (West Bengal Ordinance No. V of 1948), before the Assembly.

The West Bengal Black Marketing Ordinance, 1948.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, under section 88-(2)(*a*) of the Government of India Act, 1935, I beg to lay the West Bengal Black Marketing Ordinance, 1948 (West Bengal Ordinance No. VI of 1948), before the Assembly.

The West Bengal Jute Industry Essential Stores Control Ordinance, 1948.

The Hon'ble Sri NALINI RANJAN SARKER: Sir, under section 88-(2)(*a*) of the Government of India Act, 1935, I beg to lay the West Bengal Jute Industry Essential Stores Control Ordinance, 1948 (West Bengal Ordinance No. VII of 1948), before the Assembly.

The West Bengal Security (Amendment) Ordinance, 1948.

The Hon'ble Sri KIRAN SANKAR ROY: Sir, under section 88(2)(*a*) of the Government of India Act, 1935, I beg to lay the West Bengal Security (Amendment) Ordinance, 1948 (West Bengal Ordinance No. VIII of 1948), before the Assembly.

The West Bengal Cement Control Ordinance, 1948.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Sir, under section 88-(2)(*a*) of the Government of India Act, 1935, I beg to lay the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance No. IX of 1948), before the Assembly.

The West Bengal Raw Jute Futures Ordinance, 1948.

The Hon'ble Sri NALINI RANJAN SARKER: Sir, under section 88-(2)(*a*) of the Government of India Act, 1935, I beg to lay the West Bengal Raw Jute Futures Ordinance, 1948 (West Bengal Ordinance No. X of 1948), before the Assembly

Resolutions under section 88(2)(a) of the Covernment of India Act, 1935, disapproving the Ordinance.

Sri JYOTI BASU: Sir, I beg to move that this Assembly disapproves the West Bengal Security (Amendment) Ordinance, 1948 (West Bengal Ordinance No VIII of 1948), as promulgated by the Governor under sub-section (*1*) of section 88 of the Government of India Act, 1935.

Janab MD. KHUDA BUKHSH: Sir, I beg to move that this Assembly disapproves the 24-Parganas District Board (Dissolution) Ordinance, 1948 (West Bengal Ordinance No III of 1948), as promulgated by the Governor under sub-section (1) of section 88 of the Government of India Act, 1935.

Sri JYOTI BASU: Mr. Speaker, Sir, a few days back I came back from the Congress jail: of course, I do not know how long I shall be here in this House to voice my feelings and the feelings of the common man whom I claim to represent, because I find on my coming out of my imprisonment that the Police Minister so much hates and dislikes me that even at the very jail gate I was served with fresh orders so that I may not be able to participate directly or indirectly in any public meetings. Therefore, it may be that at this very moment whilst I speak here, I am committing a crime in the eyes of the Bengal Government Because they may say that the public here, however few they may be in number, are listening to me and therefore I am participating in a public meeting. However, so long as I am here, I shall certainly take the opportunity, the fullest opportunity to show to the people that as long as this Government lasts, the sufferings of the people cannot end and shall not end. With these few words, Sir, in speaking about the West Bengal Security Ordinance, as promulgated by the Governor on the advice of the Congress Ministers, I should point out that it is, both in content and in the method of its promulgation, in keeping with the present policy of the Government. The Congress Government, in slavish imitation and by the orders of their new-found Masters in America and of course the old Masters, British Imperialism, are establishing an unheard of despotism in our country. The petty intriguers and office seekers, the accomplices of the old regime, the representatives of the black-marketeers and profiteers sitting there in the Ministerial benches have set up a Police State with the help of old and new administrators. Where is the liberty when today we are being oppressed at the pleasure of these self-seekers? Any time of the day and night, the Congress police, whether it be in our houses or outside, just drag us and take us to the Congress dungeons for no other reasons than that we are suspects. They do not tell us why they have arrested us. The Courts of Justice are closed for

the citizens as detention without trial is the order of the day. It is useless my reminding the Congress Ministers about the promises they made whilst enacting the hated West Bengal Security Act, commonly known as the Black Act, because these gentlemen are basing their lives on deceit and falsehood, but it may be recalled that it was due to a terrific campaign by the democratic people of West Bengal that promises were made by Dr. Ghosh, the then Prime Minister and some of his other colleagues that this lawless law would not be used against any political party or against any Trade Union or Kisan Sabha, and one or two safeguards were thereafter provided by the Select Committee when it made some fresh recommendations. Amongst these was a provision that if only the Provincial Government was satisfied on reasonable ground could a person be detained without trial. However reprehensible even such a provision might be, at least there was some chance of a court, on a *habeas corpus* petition being presented before it, going into the grounds and there was also an objective test, but in spite of that the people of Bengal as a whole generally voted against this Bill, they voiced their feeling against this Bill. In fact, at that time Sri Kiran Sankar Roy, who was then not Honourable, was in Pakistan and quoted Lord Acton, the famous historian, as saying that "history records it is in the nature of all Governments to mistake the security of the Ministry as security of the people. Let us not forget that absolute power will corrupt absolutely." "I also fail to understand", said Sri Kiran Sankar Roy, "why the provisions of the Bill should be so drastic and sweeping", but of course those were the days when he did not get a lot of money and did not sit in the Writers' Buildings. He was then out in Pakistan, and we were told, in order to save the Hindu minority people there. But even those provisions - one or two - that were added later on could not satisfy the Congress Government as it is constituted today, because they are the perpetrators of savage violence, of course in the name of non-violence, and they are the propagators of extreme untruth, of course again in the name of truth. The aim of the Government was to crush all civil liberty, all opposition, and set up a terroristic dictatorship of a few landlords and capitalists. Therefore it could not tolerate a court of law. A few judges might be found who would think and act independently and therefore it would not trust them, would not trust the citizens inside the courts of law.

Now, let us see why this ordinance has become necessary in actual practice? The Communist Party of India in West Bengal, a rival party to the Congress which was being listened to by the people was declared illegal and the lying propaganda organised by the Police Minister, the Hon'ble Sri Kiran Sankar Roy, that a resolution was passed by the Communist Party of India at its second congress for arming people and that in fact arms were collected for the violent overthrow of the Government. This monstrous lie had its counterpart in the burning of the Reichstag by Hitler's gangsters and fosting the blame on the Communist in 1933. There was no such resolution and no arms were in fact found on Communists during the surprise and extensive raids on our houses and offices all over Bengal in one day, but that did not somehow bother the Ministers. They had to keep us in jail because we were certainly opposed to this Government of capitalists, landlords and profiteers and we wanted to establish a really democratic State of the tillers of the soil by patient and systematic explanation amongst the people and thus winning the majority over to our side. But the Congress Government today cannot allow us even to speak. I stand here and say it does not require revolvers and sten guns to get rid of this Government; it can be got rid of by mere speeches, but even that we are being prevented from doing and that is why a gag order has been placed on me as soon as I came outside the jail and all my friends, 70 of them who came out with me, not because the Government released us but because the learned Judge of the Calcutta High Court found nothing in the charges that were levelled against us

by Mr. Kiran Sankar Roy and his henchmen the police spies. The charge against me, for instance, was that I was a member of the Provincial Committee of the Communist Party in India in West Bengal and this party has been collecting arms and therefore I was told that I must be detained without trial in jail. But the Hon'ble Sri Kiran Sankar Roy and his Ministers knew that that charge could not keep me in jail, no Judge by going through that charge could keep me in jail, and therefore on the very day when my *habeas corpus* petition was being moved in the Calcutta High Court I was served with a fresh charge sheet, that is to say, fresh charges were made against me which are so improper that they could not be done even under the West Bengal Security Act. What is the nature of those charges? I was told that my crime was that I had praticipated in labour meetings to propagate my party policy. That was my first crime. That I had led one procession to the Assembly which barricaded the gates of the Assembly: that was my second crime. That I had threatened people who refused to go on strike: that was my third crime. No date or any other particular was given. I was not told on which date I had led one procession which barricaded the gates of the Assembly; I was not told which labour meeting I had participated in to propagate my party policy. Those were charges levelled not only against me but against my fellow prisoners. I have seen more than one charge sheet; I have seen 70 or 80 charge sheets which have been given to my friends and I found that every charge sheet was similar. Mine was only a typical charge sheet. Naturally the Chief Justice, having seen one of these charge sheets which was presented to him remarked, "Well, if these are reasonable grounds then I suppose you can arrest any one at any time anywhere in India." Again pointing to the fact that if the safety of the Government was the only thing then nobody could oppose the Government at elections as the Government will put all the opponents in prison during the elections detaining them without their getting any redress from the courts. How prophetic the Chief Justice was! Even during the last election of Sri Kiran Sankar Roy and others we found that our people were being arrested and in the other cases they were not allowed to file their nomination papers even. Such is the situation which the West Bengal Government has created. It became obvious to the Government therefore that their game had miserably failed. They were so inefficient even at this game and Hitlerian method, that they themselves understood that their idiotic and manufactured charges against us could not keep us in detention for a long time, and hence in panic the ordinance was promulgated making it clear that no court might stand up for the rights of the citizen. The rule of police spies and Sub-Inspectors has been established. The word of the Executive is the law of the land. The satisfication of Government with regard to the crime of a citizen is final and sufficient to detain a person without trial. This is as far as the contents of the ordinance go. The way in which this ordinance came into existence demonstrates again pitiably that dangerous men and not politicians are in power in West Bengal today. The Special Bench of the High Court was about to pronounce its judgment with regard to the interpretation of "reasonable grounds" when suddenly the ordinance was sprung upon us gagging the High Court. Even Sir John Anderson of Black and Tan fame has lessons to learn from the Congress Ministries in West Bengal and elsewhere. Mr. Justice Chatterjee in a separate judgment remarked: "The authority responsible for framing this ordinance should have waited until the final decision of this court had been pronounced." Nothing should be done, Mr. Justice Chatterjee maintained, to bring the authority or the administration of law into disrespect. These are soft words coming from a High Court Judge. Ministers have shown not only disrespect but have acted as the foul murderers of civil liberty. They are acting against our people; they are endangering the country and the State. What Pandit Jawaharlal Nehru said 12 years ago when he was still a democrat with regard to the British

Government is equally applicable today with regard to the Congress Governments over which Pandit Nehru rules. Speaking at the Lucknow session of the Congress Pandit Nehru said: "For me it is one of the most vital things that in the tremendous deprivation of civil liberty in India the Government, that has to rely upon the Criminal Law Amendment Act and similar laws, and places ban on hundreds of organisers and keeps them in prison without trial, is a Government that has ceased to have even a shadow of justification for its existence."

Now, Sir, each item of what Pandit Nehru said then has been carried out in letter and spirit by the Congress Government today in West Bengal. For we find that under the Criminal Law Amendment Act the Communist Party in West Bengal has been declared illegal. We find that the Communist Party's daily paper "Swadhinata" has been suppressed. We find that trade unionists and members of the kisan sabha have been locked up. They have been taken away and locked up in prison without trial. We find that innumerable people even today while they are walking about the streets are taken away by a police spy or Sub-Inspector. Only about three days back when we were having a meeting of the All-India Railwaymen's Federation in Lillooah one of our Vice-Presidents Sri Kamal Sarkar who had just gone out for tea was arrested by a police spy and taken away for detention in the Presidency Jail. This is just an example, but such things are happening day in and day out in the early hours of the morning and at night. Even now houses are being searched. The Government know that under the West Bengal Security Act they cannot keep us in prison for more than three months without referring the matter to a High Court Judge, and I am sure that after a little while if a High Court Judge cannot be found to their own liking and if the judgment of the High Court Judge were to the effect, as it has been so far, that the charge is to be thrown into a waste paper basket and the majority of the communists should be released then I am sure another ordinance is going to come, so that no High Court Judge will have any power even to review our case even though it may be an exparte judgment. We know that today *habeas corpus* means nothing. From the house-tops Congress leaders are shouting that the right of *habeas corpus* must be maintained, but it means nothing, if "reasonable grounds" are not gone into by the Judge of the High Court when we move *habeas corpus* petitions, and the Judges have plainly told us that after this ordinance was promulgated it was impossible for them to do anything unless of course there was some technical flaw in the order of detention. Otherwise it was impossible for them to help us. That is what the West Bengal Government is doing today. I have cited just a few examples to you to show the kind of charge under which we are being detained without trial, and even now we see not only communists being arrested but even Congressmen, if they are decent Congressmen and fight for the people, have to go to jail under the Congress regime. In connection with *Amrita Bazar Patrika* strike we find that even Congress people have been arrested and put under detention under the West Bengal Security Act. We find that one of the Congress M.L.As. Mrs. Bina Bhawmik is in jail, of course not under the Security Act, but she has been arrested by the Congress Police for peacefully picketing and requesting people not to buy *Amrita Bazar Patrika* and therefore she has to go to jail. I know that in Bombay there are Congressmen who are now in jail; I know that there are socialists and other people belonging to the leftist group who are in jail. That is how the promises which Dr. Prafulla Chandra Ghosh and his friends gave at the time of discussion of the Security Act are being kept. Mr. J. C. Gupta is sitting there. I wonder what he has got to say after I have finished, because it was he who was responsible for framing this Security Act, and it was he who, I understand, proposed the words "reasonble grounds". I am just waiting to see whether his voice will be raised on behalf of democracy for he still

belongs to the Civil Liberties Committee. I would like to see whether the Congress has gagged him and whether he has still some independence left. I know that this ordinance is in a way a good thing. It has proved to the people what we have said all along, namely, that the gentlemen sitting there, although they may be habitual wearers of *khadi* and may talk soft about non-violence, truth and all the rest of it, they have made hypocrisy a fine art and that is how they are carrying on. By means of lies and deceit they are carrying on the Government. I know why it is that under the Security Act people like me are being gagged. Are they afraid of me lest I speak to the people? Are they afraid that the common people will follow me and not them and therefore the order has been made on us as soon as we come out of prison? No order has been passed on profiteers and black-marketers and their friends who sit with them on the same table and carry on with them negotiations about business matters. I know the gentlemen sitting there. Some of them, especially three of them who are most important people in the Cabinet, namely, Dr. B. C. Roy, Sri N. R. Sarkar and Sri Kiran Sankar Roy, the Police Minister, are known to the people of West Bengal So long as these three gentlemen are the leaders in the Cabinet, there is no hope. The people of West Bengal know that. I need not go into that.

They know what will happen to Bengal. They know that, as long as these gentlemen are there, there is no hope for the people of Bengal and I am sure that, even in spite of the fact that these gentlemen do not go about in trams and buses and do not walk about the streets, they, through fear of the people I suppose, are even raising the walls of their houses. I find that in Theatre Road walls have been raised. Why are they so afraid, this popular Government of ours as it is claimed after the 15th August 1947? Why is it that they are so afraid that they want to rule by Ordinances and to fire on the people, *lathi*-charge and tear-gas the people. These gentlemen sitting there know that, unless they make a mockery of civil liberties, it will be impossible for them to rule. They know that they can carry on as long as the terror continues but people will also get used to their terror, and then we will know what the verdict of the people is going to be. We know what happened to Mussolini. We know what happened to their friend, Hitler. And I may tell them that I know today they may arrest me and tomorrow I may be in the Presidency Jail but as long as I am outside and as long as I am alive, I shall to the end of my days, oppose this Government because I know that this Government cannot do anything for the people. I know that this Government is a Government of betrayers at the beck and call of their masters, the British Imperialists and the Americans. They have carried on this repression against the leftist parties, against the democrats in our country, and so I oppose this Ordinance with all that I am capable of. I say that this Ordinance must end here and now. Even Pandit Jawaharlal Nehru is speaking in a different tone today contrary to what he said ten years ago. What he said then was that a Government has no right to exist which cannot rule without Ordinances; which cannot rule without firing on the people; which cannot rule without *lathi*-charging and tear-gassing the people; which cannot rule without keeping us imprisoned without trial. Today they are making a mockery of their own courts, their own judges. That is the situation that they have created for us. This Government of betrayers and of treachery are in power today.

(The House was then adjourned for fifteen minutes.)

(After Adjournment.)

Janab Md. KHUDA BUKHSH: Mr. Speaker, Sir, in rising to move the Resolution that stands in my name——

Mr. SPEAKER: Mr. Khuda Buksh, as your motion is in similar terms as the last one you may simply speak in support of that motion.

Janab Md. KHUDA BUKHSH: Sir, I rise to support the Resolution moved by the honourable member who has just spoken. Sir, in supporting that Resolution I shall say to the Government only this. Why enact this colossal farce of laying this Ordinance before the House? Sir, it is surely not for any respect that the Government has for this House. You would recollect that this Ordinance takes the Security Bill to its draft stage when this all-important phrase "reasonable grounds" was not there. Sir, the provisions of the draft of the Security Bill were referred to a Select Committee. And, Sir, without disclosing any secrets of the Select Committee I shall mention this in this House that we waived all the conventions and usages of Select Committees and we invited the departmental heads, high-ranking police officers to tell the Select Committee in what particulars the existing laws were deficient and exactly where the police felt and the departmental officers felt powers should be assumed by Government to combat any lawlessness or any anti-social or anti-State activities that might crop up. We gave them patient hearing, Sir. Clause by clause we went over with them. We also took their opinion on each and every clause of the draft Bill. And, Sir, it was after we gave a very thorough consideration to the sweeping nature of the provisions of the Bill we felt that this all-important phrase "reasonable grounds" should be introduced. Sri J. C. Gupta, an important member of that Select Committee, happens to be present in the House. He has been referred to by my predecessor, the honourable member who has just spoken. I appeal to him, Sir, through you to speak on this Resolution and tell the House what were the circumstances that led the Select Committee to introduce that phrase. Sir, we know that Government when they are armed with special powers, the machinery being what it is, they are liable to make corrupt and dishonest use and abuse of those powers. The Select Committee, therefore, felt that that all-important safeguard to civil liberties should be inserted. Sir, arguments, cogent and sound, have been advanced, are still being advanced outside the House as well as by the members of this honourable House about the ex-parte nature of the proceedings, of the perusal of the papers that is made by Judges of the High Court. But, Sir, with this important phrase "reasonable grounds" we felt that High Court Judges being what they are will feel and take everything into consideration and will pronounce whether the ground has been reasonable or not. We felt and we drew some small amount of consolation in spite of the sweeping nature of the provisions of the Bill that we had to assent to in the Select Committee, we felt that this phrase might make the issue justifiable and minds other than Government's will be applied to check up whether a detention has been made on reasonable ground or on unreasonable ground. But, Sir, lo behold! as soon as the matter goes up before the Hon'ble High Court an Ordinance is sprung on the Hon'ble High Court as also on the people of Bengal and the proceedings in the Hon'ble High Court are rendered nugatory. Sir, what I am most pained at and grieved about is that this House has been trampled under foot by Government, a Select Committee elected by this House has been trampled under foot by Government. That is why I said this Ordinance has been laid not out of any respect that this Government has for this House but only because the Government were obliged under the terms of the Government of India Act to lay an Ordinance before this House before it can be passed as a piece of legislation. Sir, the Government have no respect for the Opposition. They have no respect for this House and I will say they have no respect even for themselves. Otherwise they could not have gone back on their pledges; they could not save gone back on their own words, but they have done so because they have a machine majority behind them.

Anything they bring before the House is sure to pass. The Opposition, such as it is today in the House, will but register a very feeble voice of protest. But, Sir, I would ask the Government to consider and to remember

that the Opposition that is growing in volume and in intensity outside the House will oblige them to cry a halt on their mad career of robbing the people of their liberty. Coming to sub-section (2)(*a*) of section 2, I find that Government have insulted the intelligence of this honourable House. You will observe that they have reduced the period of operation in one sub-section to three months instead of six months. But I submit what difference does it make if it is three or thirteen or thirteen hundred. If Government have the power to issue fresh orders on the expiry of old ones, you will observe that a man can be kept eternally under detention by Government, Sir, as it is, the Security Bill, the Black Bill, has acquired an odium unparallelled in the history of repressive legislation in any country in the world, and this Ordinance coinciding, as it did, with the proceedings of the Hon'ble the High Court which every citizen looks up to for protection and justice makes it more odious. Not only loathsome but it has made Government suspect, and we find that Government are not less anxious to invoke the provisions of the Security Bill. Therefore it has made all the more incumbent on us to see that it is scrapped, all the more reason for us to see that all-important safeguards to people's liberty, are retained in the Ordinance. The Ordinance seeks to take away, and it has already taken away that liberty because it has now the force of an Act of the Legislature and unless we all combine and throw it out today and kill it, it will remain in operation for another six weeks within which time Government will be able to bring it in the Bill form and get it passed as a piece of legislation.

Sir, I have no sympathy with the malefactors and enemies of the State, but what I wanted to ensure in the Select Committee and I want to ensure now is that the Security Bill and its provisions shall not be invoked on imaginary grounds nor on insufficient or inadequate grounds but on reasonable grounds. As a member of the Select Committee on the Security Bill I demand that the provisions of the Security Bill, as passed, shall not be tampered with by an Ordinance, the provisions of the Security Bill shall not be defeated by an infamous Ordinance I am sure many members of Government feel about the Ordinance as I do and as strongly as I do and I again appeal to Sri J. C. Gupta to give us his views on this piece of legislation which has been placed by Government as an Ordinance. I appeal to them to be true to their conscience and come and join with me to throw out this monstrous piece of governmental legislation which not only cuts at the very root of individual liberty but tramples the rights of this House which is fondly imagined to be the Nation's Parliament under foot and sets at naught what we have passed as a legislation of this House.

Sir, coming to the next resolution——

Sri J. C. GUPTA: On a point of order, Sir. We are now discussing the Security Ordinance and not the other matter.

Mr. SPEAKER: Yes. You may speak on it afterwards.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I do not know much either of the Security Bill or of this wonderful Ordinance that was promulgated while a case was *sub-judice* That I think leads one to imagine that the Government has developed definitely a very unreasonable complex. Mr. Speaker, Sir, people in that peculiar state of psychology where they are afraid of reason do declare to the world that—to translate an Urdu idiom—there is something black black in the pulse—dal men kuchh *kala kala hai*. I do not know why they have suddenly brought this particular Ordinance when even some of the leading lights on the Government Benches realise that the Security Bill was anything but liberty, freedom, or the civic rights of the citizen. That being the case, one expected that in this Dominion stage of our status as against the Dependent one that existed before, we would have a bit more of liberty, a bit more

of freedom of speech and freedom of association than what we had in the old days. Sir, I notice that besides that unreasonable complex, there is another compler developing and that too to a very high degree. That is the complex of fear. What is it that they are afraid of? What is it that these communists and socialists and others, who do not belong to the Congress brotherhood, are going to do? The Congress today is supreme, but no Congressman will ever say that the Congress is eternal. Political progress means change of parties and change of governments. It means debate and discussion on the rights that should be given to the nation and the subjugations that should be taken away and removed. What is the fear which is egging on not only this Government but other provincial Governments also to take action in a manner against which for decades we shouted and we fought the English to let us have liberty of speech and association. All these rights are being taken away from us. There is no danger of foreign aggression against our country. There is no danger of an international war coming to India all too suddenly. When these emergencies arise, Government must take precautions, I admit, but when we are on the road to give greater and greater freedom to our fellow citizens and fellow subjects, I do not see why at every turn they take away our rights. They try to impose upon us their authority and power not in a reasonable way. If they did it in a reasonable way, one would perhaps not have quarrelled with them. To take away this little safeguard of reasonableness was, I consider, the height of folly because it creates reaction in the mind of the citizen who is not in the know of the secrets in the mind of the Government—a sense of fear and a sense of insecurity. The Security Bill was passed to give security to the Government, undoubtedly, but also to bring security to the average citizen. Where is it?

Sir, the removal of the word "reasonable" makes me think of a quotation from Shakespeare where in the play Julius Caeser it is stated "reason has fled to brutish beasts". I should not like to use that language in connection with the gentlemen who have held high the banner of nationalism according to their lights but I want them to listen to reason for they appear to have decided not to have anything to do with reason, particularly when the Judges of the High Court have declared that in the absence of that phrase, they are unable to help the citizen. Quarrels between the Government and the King on the one side and quarrels between the Government and the citizens have generally been decided by the High Courts. If High Courts are also brought under the incubus of a piece of Ordinance whereby it is ordered not to use reason, Mr. Speaker, Sir, you will agree with me that the citizen has the right to complain. The citizen, if Government will grant me my request, has at least the right to beseech, to beg, to implore that he be not disturbed by such high-handedness.

Sir, what are we going to do? If the Hon'ble the Chief Minister will permit me to say so, our system of administration and the scheme of Government which we are implementing today is no more and no less than what existed before perhaps worse. We have not had time to amend, alter or rectify the black spots and points of the old administration. Our efforts should have been not in the way of Security Bills and these Ordinances. Our efforts should have been to create confidence in the mind of the citizen, in the mind of the average man—the voter—to whom these gentlemen will go as and when the time comes for election. The manner in which they are going about the business of Government, Sir, creates the suspicion in one's mind that not unlike other countries where the police has been the right hand of the Government, it is possible that those who are thinking in terms of laws of the type we are discussing today intend as and when the time comes to use their bludgeons, to use their *lathis* and to use the whole of their authority through the police to see that the results of elections are as they want them to be. This is a denial of the fundamental right to the citizens. This is, Sir, not what we had thought. Forty years

of public life, so far as I am concerned, appear to have ended in tragedy. I did not dream that at the end of the tether of my life I would see things as we see them today. I had expected that when we got into power, we would be able to outshine even the privileges granted by the Mother of Parliaments to the citizens of Great Britain. I know, Sir, we are still in the first stages of our new status. We are still discussing whether we shall be a Sovereign Indian Republic or a Sovereign Democratic Republic. We are still considering the proposition whether we shall be tied to the shoe laces of His Majesty King George VI as a Dominion or we shall have, in terms of the phrase Mahatmaji gave to the country, Purna Swaraj. At such a time minds are likely to become unbalanced and at this very time the unbalancing must be stopped. At such a time extraordinary steps should not be taken because one wrong move in this early stage may change the whole direction of our line of progress.

Could I, Sir, appeal to the Hon'ble the Premier and the Hon'ble the Home Minister to have greater confidence in us, to show us friendliness, sympathy and even kindliness. I can assure them that their sentiments will be responded to by the public If this is not done, Sir, they are preparing a state of affairs which may lead us to disaster. Have all the powers you like. While we used to quarrel with the Criminal Law Amendments Act, now we have got not only the amendments of the Criminal Law but new crimes and new methods of investigating them and new methods of putting people into confinement are being invented.

Sir, I was astounded during the last three days to hear an Hon'ble Minister of the Government of India taking shelter behind Regulation III of 1818. In our long political struggle, Sir, was there a single day when we considered Regulation III of 1818 as a piece of legislation that could be made use of by any decent Government or country or applied to its people? Now, these Security Acts, these Ordinances, are much more terrible than that Regulation III of 1818. Could we, Sir, beg the present Government to re-consider the position, if possible, and not to demand a vote to-night? Let them go back into their Cabinet and give consideration to our appeal. Give us some consideration. We are not talking, and I, in particular, am not talking, to make points in Opposition. What I am trying to bring to the notice of the gentlemen in power today, is that they should show friendliness, kindliness and sympathy; if not these, then to show mercy to us and allow us to exist as honourable men and not as suspects in every moment and on every day of our lives Sir, I assure them, as I have already said, that they will get a better response from the public if this friendliness is shown; otherwise resentment will go on increasing and I shudder to think where it will end.

Mr. C. C. D. WILKS: Mr. Speaker, Sir, I rise to support the withdrawal of the Ordinance. I heartfully endorse some of the remarks made by the honourable member who has just spoken. I as well had the honour to be elected by this House and I served as a member of the Select Committee, and I feel that the amendments to the Act will interfere with the inherent rights of the citizen.

Sri J. C. GUPTA: On a point of personal explanation, Sir. May I tell my friends who made a pointed reference to me that I have not changed and I still stick to what I contended as regards this Security Act. There need not be any apprehension in the minds of my friends that I am changing my colour, but I have got to proceed on some constitutional lines belonging to the Congress Party. I may assure my friends and I hope the Hon'ble the Home Minister will bear me out that no sooner I had heard of that I made representation and the Hon'ble Minister was pleased to assure me that certainly these matters will be discussed in the party and the party decision will be obeyed. Therefore I cannot today say anything more than assure my friends who have either sarcastically or very straightforwardly

referred to me that I shall do my best. I yield to none in my anxiety to safeguard civil liberties and I shall do my best for that purpose. It has been said that Pandit Jawaharlal Nehru has said something and now he is saying something else, but my friend has ignored that a direction has come from the Central Government that the powers of the High Court should not be touched under Section 491. Therefore it is no good saying that Pandit Jawarharlal Nehru has gone back upon his words. To err is human. If any mistake is made sometimes, one should not criticise and use the language that has been used. Hard words break no bones, but let us all try to the best of our ability to safeguard the interests. Some sort of security power has been needed on account of the unsettled state of affairs in which we have been left after August 15 and as a result of the communal riots. We should all sit together, put our heads together, to try and tide over the difficulties of that unsettled state of things and at the same time we should all join together to secure the personal liberty and to prevent the abuse of it. I have not changed. I still stick to it, and shall try my best so far as it lies in my power to safeguard the liberties in the best way possible.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I have heard all the arguments and appeals advanced from certain members on the other side. I have heard also the claim, as some honourable members seem to think, that over all the rest they have the monopoly privilege of representing the people of Bengal in contra-distinction to those who happen to sit opposite to them. Sir, if reference is to be made to the wishes and verdict of the people of Bengal, I shall accept the assurance that the wishes and the verdict of the people of Bengal are not to be obtained by means of sten guns or revolvers but through the ballot box, and in that context of vocal and somewhat vociferous arguments, I may remind the honourable member that his colleagues were given all the facilities necessary to come and contest in the recent elections. The electorates in Bankura, the electorates in the recent election of Malda-cum-Dinajpur constituency gave their verdict, and the conferers of the honourable member forfeited their security deposit. That is the indication of confidence which people repose on them. (Sri JYOTI BASU: Our people were arrested.) Sir, when the honourable member was speaking there was not a single word of interruption from us, and I hope he will have the common decency to reciprocate that courtesy to us. He has wagged his tongue long enough both inside and outside this House. When he was talking and thinking himself to be very sarcastic and effective about the high walls on a certain road of Calcutta, may I also remind him about the manner in which comrade Joseph Stalin is greeted by his comrades. Sir, I would only say that he should go forward to condemn comrade Stalin for living protected not only by walls but by walls of machine guns. I shall only remind the House that even after the great Russian Revolution the people's man Lenin did not escape the assassin's bullets. It was firing on Lenin by Dora Caplan that brought about his death subsequently. Even people's man Mahatma Gandhi did not escape the assassin's bullets. (Sri JYOTI BASU: Your friends.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, will you kindly stop him? I do not want him to interrupt, because we want to hear the speaker.

Janab ABDUR RAHMAN SIDDIQI: May I rise on a point of order, Sir? May I know whether members have the right to pass remarks when other members are delivering their speeches? Are we debarred from that privilege today?

Mr. SPEAKER: No; you are not debarred from that, but it is a matter of decency. When opposition members spoke, they had been

allowed full play and they had not been interrupted. Justice demands that when Government side members speak, they also should not be interrupted.

Sri JYOTI BASU: Why does the Hon'ble Chief Minister interrupt?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, as Leader of the House I have got to point out that we want to hear the speaker, and it is the right of every member of the House to hear the speaker uninterrupted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, what I was referring to is this. We have also seen the fate of Aung Sang. We have seen what has been happening in Burma. We know, apart from what has been happening in Burma, near the borders of the Indian Union what is being done for the last 10 months in Kashmir by the raiders and by the razakars in Hyderabad. They are waiting too eagerly, the stooges and agents of the razakars and the raiders of Kashmir and those who are now letting hell loose in Burma, to find their opportunity in the Indian Union. Sir, be it said once for all to make it perfectly clear that the honourable gentleman may cry for civil liberties but that civil liberty will not be extended to the razakars, to the raiders of Kashmir or to their agents or to their concealed colleagues on the soil of the Indian Union.

Sir, the Hon'ble the Prime Minister of India had to declare something the other day referring to a party to which my honourable vocal friend opposite had the honour to belong he has not declared whether he belongs to that party even now and I shall assume that he does not belong to that party now. Sir, the Hon'ble Pandit Nehru was forced to declare that these parties have declared war on the Indian Union and the Indian Union has got to meet their war by counter measures. Sir, if we had adopted the practice of the holy land, the spiritual fatherland of my friend opposite then, Sir, it would not be possible for him to go for a few weeks' holiday trip like a weekend journey to the protection of the Presidency Jail and come out posing as a big martyr speaking the mind and the voice of the people and making all the claims which could only arouse amusement in the minds of our people The same effect had been produced both in Bankura and Rajshahi-*cum*-Dinajpur If he is content with the wish and the voice of the people let him be content with that, Sir.

Sir, another honourable gentleman has very piteously appealed for confidence—confidence, kindness, sympathy, very fine words! The milk of human kindness oozes out from people's heart but it does not do so spontaneously. It needs a stimulus, it needs the stimulus of the entire background of the man who appeals for kindness, sympathy and confidence. Those who have perpetrated every villainy, every crime politically conceivable against the nation, against the people while their British masters were there, but with their masters' quittal and as soon as the protective Government of the Indian Union has come into being, they assume a pose. Every rat stands upon his hind legs and claims to be a revolutionary today. They bravely pour venom on the Congress Government of the day. Sir, I feel and I think it may be taken as a tribute to the tolerance of the Congress regime. Sir, I hope neither Mon. Stalin nor some other august personage nearer home would have tolerated such things as have been happening within the Indian Union.

As regards the Security Act, again, I say that not a single case has been brought to the notice of Government where the application of the Security Act could be regarded as unreasonable. Sir, when Government has been satisfied that measures had to be taken, measures have been taken. According to the provisions of the Security Act as soon as the reviewing authorities were entrusted with the work of reviewing they reviewed and passed their directions freely. Immediately those directions were carried out. Sir, on the other hand during the days of the British,

whom the honourable member and his friends were serving it was seen that the High Court's order was violated on the very corridor of High Court. I can testify to that and he knows it. Sir, here in contrast with those monstrous days of villainy, falsehood and deceit today the Congress Government has shown this example that even those who were the enemies of the people were allowed to go as free men under the Court's order, although they had to be dealt with under the Security Act, and have to be deterred from their misdeeds so that they may not endanger the very safety and security of the State. Sir, the Congress Government, the people's Government, is not afraid of letting out those people in order that they may come out and we might enjoy their voice in this House.

Sir, before I conclude I would say that in spite of the Security Act not a single argument has been advanced to show that Government have acted otherwise than in a reasonable manner. When, Sir, earlier this House in passing the Security Act inserted certain words it was meant that in the meaning of those words, the administration of those measures was to be conducted by the Government. It was not meant that the administration of the Act would be done by the High Court or by any other court of law. For in that case there need not have been any talk about detention without trial. There might have been full-fledged trial. Sir, trial takes place for the commission of the crime, but if you allow that sort of crime to be perpetrated, after the commission of the crime there would be no place for trial. There will be chaos such as rules in parts of China, there will be that chaos which rules in Burma today and which is known to everybody but those who want that chaos to rule in India today in order to endanger the very existence of the Indian State, in order to endanger the very existence of our liberty when after centuries and centuries the people of this unfortunate land have got back their liberty on account of which no less than 8 million people are suffering as refugees who have been ruined and paid the price of freedom with all their earthly possessions. When all this is happening, no lover of liberty, no lover of the freedom of India, no patriot of India could have thought of giving the enemies of India liberty to endanger this country. Sir, I would again remind him that when M. Stalin asked by venerable set of deputationists who visited Russia whether there was liberty in Russia, M. Stalin answered that question by a counter-question saying "Liberty for whom, liberty for the patriotic citizen and supporter of Soviet Russia, yes it exists cent. per cent. but, there is no liberty for those who would go against the people, no liberty for those who would shoot at Lenin, no liberty for those who would conspire against Soviet Russia, no liberty for those who are the agents of foreign powers and not for those who would try to endanger that State". Sir, I have heard people, associates of parties and groups now coming forward with honeyed words, sugarcoated pills and all manner of mealy-mouthed phrases, I ask them what was their role when the country, under the leadership of Mahatma Gandhi, who also happened to have been quoted in this House today, was struggling for its liberty? What was the past role of the associates and confreres of those gentlemen whose parties are now represented in this House? The whole background of their parties is there. These gentlemen cannot run away from their past. These gentlemen's past will be shadowing them like destiny itself. Sir, in India and only in India within the Congress under the leadership of Mahatma Gandhi a course has been followed and for that Congress can rightly be accused by the people for too lenient measures, for giving too much indulgence to those who are jeopardising the safety of the motherland, who did not even hesitate to stab the nation in the back. I need not say more.

The only alteration that the present Ordinance seeks to make is to amend the Act, with the approval of this House, so that the power for detention of people without trial, which is today admittedly a necessity, particularly

in a border province like West Bengal, is not to be exercised by the High Court, but is to be administered by the executive Government. Sir, according to the canons of legal construction the existence of certain words in the Act so changed the meaning and intent of the provisions that the exercise of those powers goes under the jurisdiction of the High Court. If the executive Government is divested of the power to detain without trial, then, Sir, there would be no need for the Security Act. Under the ordinary Criminal Procedure Code trials could have taken place after the commission of crimes—and everybody has the liberty to commit crimes if he so wishes only on the condition that he will have to suffer the consequence of the crime, and that too after the crime has been proved. Of course it is quite likely that a man after commission of a crime may escape undetected. Sir, this House knowingly took the opprobrium, if you like to say that, Sir, of having to resort, uner certain circumstances and in respect of certain categories of people, to detain them without trial. A horrible phrase,—detention without trial, tantamount to negation of liberty; but, Sir, unless the powers of detention without trial were used against certain elements, it would be tantamount to negation of the Indian people's liberty. As the power to exercise that detention without trial has got to be vested in the hands of those who as the executive Government have got to deter the enemies of India and who want to subvert the State and rule by bayonets and do not want to go to the ballot box.

Sir, the time, circumstances and situation have changed. If today we found enemy agents lurking about in India, it would be the duty of our police, military and other patriotic persons to detain any such agent, if not to shoot and kill them at sight. On the other hand, if this country was under foreign domination, it would be our sacred duty to rebel and to overthrow the occupying power. Sir, it is in that sense and conception of things that in 1942 the Congress had given the call for rebellion—call on the one hand addressing its foreign enemy to quit India and a call at the same time to the people of India to do or die. What were our honourable friends opposite doing at that time? They were busy as stooges of their British and American masters, as counter-plotters and jackal legions of their pay-masters to misguide and deceive our people. We have now been hearing phrases of falsehood and deception. All those whose voices have been used to falsehood and deception cannot think of anything good and proper in others: their whole outlook is vitiated and they are incurable in this respect and are therefore objects of pity. That honourable gentleman very properly prefaced his observations by saying that the Congress Government cannot end the miseries and "shall not" end the miseries of the people. The Congress Government has taken measures which were intended to end those miseries, and they wish to bring about a situation where such miseries would be made impossible. Shortly after the Congress Government came into power, we were on the verge of famine on account of shortage of food. The Government took courage in both hands to cut down the ration to three chataks per head per day. The British Government never did that even when there was an actual famine in the land. That occasion was taken advantage of by those friends of people who urged them to demand more food and to rebel and remarked that even the British Government were better in that respect than the Congress Government, because they did not cut down the ration. They have now conveniently forgotten that they had aided and abetted the British Government in stealing rice and other food stocks of people under the denial policy. They conveniently shut their eyes to the situation when eight or ten chataks per head per day was allowed by the British Government even though fifty lakhs of people died of starvation at that time. It was only to avoid such a famine that the Congress Government which holds every life precious drastically cut down the ration so that everybody might eat less and survive. In such a terrible situation only persons with a villainous outlook could demand more food even though your neighbours might die like rats.

That is the philosophy of life to them. That famine cannot be averted and that famine shall not be averted by the Congress Government was their motto. Sir, in such a food situation was there any sensible man inhabiting this land who would not say that powers under the Security Act would be needed in dealing with such fifth columnists and locking them up behind the prison bar? In Russia such villainous elements would have been shot and liquidated. In India also they may bring about a situation, if they wish, where, if the Indian and Gandhian method is not good enough for them, the Russian method may be adopted hereafter. It is not our choice: the choice is with them. So I make an appeal from this side of the House: beware of the dangers ahead. The very existence of India is at stake. We are encircled by dangers all round. In such a situation we have got voluntarily to make the maximum of sacrifices and stand together. We have been left with a legacy of ruin and disaster with the quittal of British power in India. If their rule was bad enough before, their quittal and the aftermath were worse still and it seems to be worsening still. If those gentlemen want to take advantage of the present situation, they are not helping the progress of the Indian people and the security of the State. If they are helping anybody at all, they are helping the enemies of India. In the earlier days in not siding with the Congress campaign of freedom they were helping the enemies of India. In not siding with the national Government of India now they are again aiding and abetting their foreign masters who are now casting lingering looks behind to see what their favourite stooges who served them so well during the last four years of war and famine are doing. It is in that light that the people of the country are not to be deluded by them. Today the recent conflicts all around are clear enough to those who can read the writings on the wall, and it is for that reason that we want powers under the Security Act. It is only the fifth columnists and stooges of the enemies of India who are against the powers proposed to be taken under the Security Act. Sir, I have gone round the villages and other places, but I have not been to a single place where I have been challenged by masses of people about the impropriety of the Security Act, because it does not touch their lives but it is precisely meant to help them.

Sir, we hear from an honourable gentleman who seems to make it a point to escape imprisonment that Government is afraid of him. In the days of foreign bureaucratic regime the Government was not afraid of him, but now when a national Government has been formed, he has challenged that Government is afraid of him. Certainly every civilized Government is afraid of such persons who are elements of an anti-social character. Sir, the Government may be afraid even of the meanest criminal. There was a time when an alien Government was afraid of people's men and leaders but that was not the case with the gentleman opposite. Sir, the present Government is not afraid of him in that context. He was in jail not in 1942, but in the year of our Lord 1948 when in every other country such persons are finished, for the enemies of the country are being liquidated or are in the process of liquidation. In India, however, if he wants martyrdom by courting jail life, none need grudge the paradise in which he is living. It is unnecessary to say more about the merits of the Security Act. The provisions are there so that villianous elements may be checked in the perpetration of anti-social activities. It is an executive power which is not meant to be administered by the court. Where a necessity has arisen for exercising the power of detention, it is to be exercised by the State just as it is the power of soldiers in the front line to decide where he is to shoot and shoot to kill or not. Sir, we are not here to judge the provisions of this present Ordinance which is coming forward as a Bill later on. We are to judge it not in the light of the speech of that venerable gentleman who has been pleased to use fiery words and phrases, but in the context of the whole political backbround of India, in the context of what is happening in Kashmir, Hyderabad and Burma, and we shall not have them happen

inside India and therefore Government must have powers to liquidate all those who stand in the way of and endanger the very existence of the Indian State.

Shaik MOHAMAD RAFIQUE: Mr Speaker, Sir, I have listened with rapt attention to the speech of the Hon'ble Minister. Invectives and abuses never convince people. I was pained to hear him indulging in all kinds of abuses and invectives. It is unbecoming of a member of this House, much less of a Minister of Government. This task could have been left to a back-bencher and the House would have tolerated it. We wanted to hear of the difficulties which Government have been encountering and which compelled them to bring this measure before this House.

Sir, I must confess that none sitting on the Government benches have advanced any reasons or given us any instances which would justify the passing of this Ordinance. The Government are already armed with many powers but unfortunately they do not know how to use these powers. If they do not know the use of these powers, it is no fault of ours. If they had competent people at the helm of affairs, perhaps they could carry on the administration much more effectively with the powers they already possess.

The Hon'ble Minister has referred to the history of the Congress struggle for the last 25 years We all know that; we know they have suffered. These very members who are sitting opposite were responsible for the passing of the Security Act. That was done at a time when they were in the power. Even then the Opposition was, as they say, *namkowaste*. At that time after due deliberation the words "on reasonable grounds" were inserted There was no difficulty and now if a phrase is there that a man must be arrested on reasonable ground I do not know why they should fear After all do we not all go to the High Court for justice? Do you suspect your Judges in the High Court? Do you think that they will not do justice to your case? Then what is the trouble that has compelled the Government to come forward with this amendment? I think, Sir, the Government should have been frank to this House. They should have taken the members sitting on this side into their confidence, because, as we said on a previous occasion, we are out to help the Government in carrying on the administration of the province and in maintaining peace and order.

Sir, after the two speeches were delivered from the members of this side we expected that a member from the other side would at least get up before the Home Minister replies explaining the reasons and giving us instances where the administering of the Act was found to be difficult. I do not see what analogy it has with the raiders in Kashmir or with the Communists in Burma. If the measures are against the Communists, and the Communists are not to be tolerated in India an Act can be passed here that will legalise the arrest of all Communists. After all, how many Communists are there? Let us have power to arrest them all and all your trouble will be set at rest. What I fear is, as has been said by Janab Siddiqi, that this amendment is being sought only to clear your grounds for the next election. You do not want people to come in and oppose you. You want to perpetuate your authority for another decade.

Sir, on a previous occasion also I suspected this very game and that was the reason why we opposed this measure and similar measures when they came up. At least, Sir, I expected that the Home Minister will give us an assurance that before the next election all these measures will be repealed. If that assurance is given it will set our mind at rest and will inspire confidence amongst the people that before the next election comes up all these measures which will interfere with the civil liberty of the citizens will be repealed and citizens will have the right and freedom to support any party they please.

The Hon'ble Sri KIRAN SANKAR ROY: Mr. Speaker, I do not wish to detain this House for more than two or three minutes. I thought, Sir, that this procedure of laying the Ordinance on the table was merely a formal one. It is done so that the Ordinance may be kept alive for six weeks so that in the meantime Government may bring forward a Bill enacting the Ordinance into law. Honourable members need not have wasted so much eloquence, I mean, honourable members opposite—I am not accusing Mr. Rafique of eloquence. I thought honourable members opposite would have a chance of criticising this Bill section by section when the Bill is placed before the House, and in order to avoid repetition of speeches I want to reserve whatever I have got to say for a later occasion when the Bill is before the House.

It has been said, Sir, that we are treating the House with contempt. That is far from true. We are going to put forward this Bill before the members of this House and we are prepared to take the verdict of the House on the Bill. The House may reject it; the House may accept it. Therefore it is absolutely wrong to say that we are treating the House with no respect.

Mr. Speaker, I shall limit myself only to the background why the Government think that such a Bill is necessary. Government think that the state of emergency remains and as a matter of fact we believe that the state of emergency is greater today than when this Bill was first passed into law by this House. Since then, as has been pointed out by my friend Mr. Niharendu Dutt-Mazumdar, the situation in Burma, the situation in Hyderabad, the situation in Kashmir—Mr Rafique objects to our discussing Hyderabad and Kashmir—has deteriorated. We say that this Bill is not meant for Communists only. This Bill is really meant to deal with all persons who want to attack the State whether for an ideology or for any other reason Therefore the questions of Hyderabad and Kashmir are relevant to the issue.

So far as the speeches on the other side are concerned, I do not propose to deal with the speech of my friend Mr. Basu because he makes almost the same speech over and over again. There is same venom, the same utter disregard for truth, the same lack of decency and the same lack of honesty. It is only to be expected. But he flatters himself when he says that I hate him. As a matter of fact I do not think of him. As regards the other speeches, they are more or less sanctimonious. Honourable gentlemen sitting on that side today champion the cause of civil liberty. While sitting on this side of the House they did not think civil liberty was worth a penny. As a matter of fact I maintain and I maintain seriously that this Bill is necessary for the preservation of civil liberty. What do we see in this Province? We have a small number of people who accept the orders of their foreign masters. It is this minority which is trying to coerce the majority of this country. If you ask the majority whether they believe in communist theory or communist practice which is worse, they will say "no", as has been demonstrated in the elections. Every election has gone against them. And it is this minority which by methods of violence, by hooliganism is trying to coerce the majority. It is on behalf of the majority we are taking up the challenge and as long as we are in power we shall see that the State is not endangered by persons who are disloyal to the State. No innocent person, no person who is loyal to the State, no person who has no mischief in his mind need have any fear on account of this Bill.

But so far as persons who are disloyal to the State are concerned, well they should be careful. If they attack the State, we shall not hesitate to deal with such men with all the strength we possess. Sir, I oppose the motion.

The motion of Sri Jyoti Basu that this Assembly disapproves the West Bengal Security (Amendment) Ordinance, 1948 (West Bengal Ordinance No. VIII of 1948) as promulgated by the Governor under sub-section (*1*) of section 88 of the Government of India Act, 1935, was then put and a division taken with the following result:—

AYES—12.

Abdur Rahman, Janab A. F. M.
Abdur Rahman Siddiqi, Janab.
Basu, Sri Jyoti.
Brahmin, Sri Ratanlal.
Jasimuddin Ahmed, Janab.
Khuda Bukhsh, Janab Md.
Mahammad Sayeed Mia, Janab.
Mohamad Rafique, Shaik.
Molla Mohammad Abdul Halim, Janab.
Muhammad Idris, Janab.
Musharruff Hossain, Janab.
Wilks, Mr. G. C. D.

NOES—40.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Banerji, Dr. Suresh Chandra.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Shyama Prosad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chatterjee, Sri Haripada.
Chaudhuri, The Hon'ble Sri Rai Harendra Nath.
Choudhury, Sri Annada Prosad.
Das, Sri Radha Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Gomes, Mr. D.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mookerjee, The Hon'ble Sri Kalipada.
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Naskar, Sri Ardhendu Sekhar.
Poddar, Sri Anandilal.
Pramanik, Sri Rajani Kanta.
Roy, The Hon'ble Dr. Bidhan Chandra.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sarkar, The Hon'ble Sri Nalini Ranjan.
Sen, The Hon'ble Sri Prafulla Chandra
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 12 and the Noes 40 the motion was lost.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Janab MD. KHUDA BUKHSH: Mr Speaker, Sir. Rising to speak on the resolution that I have moved in respect of the dissolution of the 24-Parganas District Board I shall at the outset ask that this monstrous and depraved Ordinance should be thrown out as this Ordinance is simply bristling with injustices, iniquities and inconsistencies. Sir, I shall give you facts and I shall quote figures that will prove beyond a shadow of doubt that this power-drunk Ministry had not the good of the 24-Parganas district in their heart when they promulgated this Ordinance. Sir, they have promulgated this Ordinance inspired by motives that do not do any good to anyone nor any credit to themselves They promulgated this Ordinance to pamper their vanity and to satisfy their whims and caprices and to pamper their personal likes and dislikes. Sir, in so doing they have murdered a local self-governing institution and they have installed an impostor in its place, and in so doing they have thrown all canons of justice and fairplay to the four corners of the wind. Sir, as instances of injustice and iniquities I shall tell you and tell the House and the country outside that the Muslims have not received their quota of representation in the Board set up under this Ordinance. Sir, they are entitled, according to their population, to at least 20 seats but their present representation in the Board is 7 or odd. The Scheduled Castes have fared no better They have hardly any representation at all in the Board whereas they are entitled to roughly 1/3rd representation on the Board. Sir, I mentioned earlier about personal likes and dislikes. In proving this, Sir, I shall tell you

that as many as 6 members come from municipalities and 2 come from the same family resident in Basirhat Municipality. Mograhat the biggest thana in the district has no representation in the Board. I ask: is it because the poor outgoing Chairman has his home there. Sir, as a matter of principle all the elected members should have been appointed to the Ordinance Board. Sir, it is a case of dissolution for reconstitution and not a case of supersession. I should have understood it if it were a case of supersession. I should have understood it if there was continuous and persistent mismanagement and malpractice by the Board, continuous complaints received by Government about mismanagement and mal-administration. Sir, in that case the complaints would have been enquired into and if the enquiring authority, whatever that was, had damned the Board, then, possibly, the Government might have been able to make out a case of supersession and that also, Sir, according to the provisions of the Local Self-Government Act and not by an Ordinance. Sir, Government by inflicting this Ordinance on the people of 24-Parganas and therefore on the whole of Bengal, have tried to circumvent and tamper with the provisions of the Local Self-Government Act. Sir, they have dissolved the 24-Parganas District Board. They have not appointed an Administrator to administer the District Board as they have done in the case of the Calcutta Corporation. (The Hon'ble Sri BIMAL CHANDRA SINHA: Were you prepared to act as the Administrator?) Perhaps there was only one Administrator available. Sir, in the absence of any efficient Administrator, what they have done is to appoint as many as 30 members to the District Board. Sir, I stress the number 30 because it is interesting if I recall before this House that formerly the Board consisted of 30 nominated members. Then, Sir, we passed a piece of legislation in this House to do away with nominations because we felt that it was against the accepted notions of democracy. Since the passage of that piece of legislation all the District Boards in Bengal are functioning with only elected members. But, Sir, when Government dissolved this Board, it did not appoint 20 members on a par with the other Boards functioning in Bengal, but, Sir, the Board attained its former independence and stature as regards the number, viz., 30 members. Where is the consistency in Government's profession and practice? Sir, why was this departure made in the case of the 24-Parganas alone? How could the Government possibly reconcile their practice with their profession? Sir, this House cannot permit an Ordinance to tamper with and defeat the provisions of an Act of the Legislature. Sir, there are processes and procedures laid down under the appropriate Act for the supersession or removal of District and other Local Bodies. Sir, the Act lays down certain conditions which must be satisfied before action can be taken by Government. Sir, even the all-powerful Congress Government are obliged to follow the law and they cannot promulgate Ordinance after Ordinance to circumvent the provisions of different laws. Sir, the Government were in such shameful hurry about that particular Board, in such indecent hurry about that particular Board that they promulgated this Ordinance before they had ascertained the name of the fortunate Chairman to be appointed. You would perhaps remember that a correction slip had to be issued and published in a *Gazette Extraordinary* correcting the name of the present Chairman. Sir, they could do another thing instead of inflicting an Ordinance and murdering a local self-governing institution. Sir, it is our policy to nourish and nurture local self-Governing institutions and give them more and more freedom and more and more autonomy but, Sir, we find that the Government are now going back on whatever they have said and at the earliest opportunity they killed and murdered local self-governing institutions. Sir, I ask the Government, is it because that the old Board, even the all-elected Board, was manned by men not after their choice. Sir, they could help to hold the elections which are in any case overdue. They could have asked the District Board to hold their elections and armed with the power

that they have under the different laws, they could have had the elections expedited and by such a method they could surely have saved themselves the shame and the ignominy of having to say good-bye to their policy of no nomination.

It would interest you to hear that a recent Government order has issued from the Secretariat providing for no reservation or non-reservation of seats for the minority community. But the legislative enactment of Government is specifically in favour of reservation for minority community. Sir, this is another attempt on the part of the Government to circumvent the provisions of an Act of the Legislature by an Executive order.

Sir, talking about minority, the minority here is the Muslim. The Chairman who had to vacate his office is also a Muslim. Sir, I shall ask you, are not the Government laying themselves open to these criticisms that they are about to remove the Muslims from all spheres of public life and activities? I shall ask again, is it a step towards removing the fear and panic from the minds of the minorities as envisaged in the Inter-Dominion Agreement? Sir, this sinister Ordinance has cast a gloom in the mental horizon of the minority community and the irony of it is that it was promulgated during the very same week the Inter-Dominion Agreement came out with the boon of all good intentions.

With these words, Sir, I commend my resolution to the acceptance of the House.

Janab A. F. M. ABDUR RAHMAN: Mr Speaker, Sir, I rise to support my friend Janab Khuda Bukhsh. Sir, it is indeed surprising to see the quick change in the policy of the party now in power. The present Government, when they were in opposition, always denounced promulgation of Ordinance even in most urgent cases, but, Sir, what do we see now? They do not even hesitate to pass Ordinance just to further the party interest. Sir, in the Preamble of the Ordinance it is said "whereas the Governor of West Bengal is satisfied that it is urgently necessary in the public interest to confer powers to dissolve the District Board of 24-Parganas and that immediate action should we taken for this purpose". Sir, we on this side of the House are not satisfied about the urgency of the case Sir, there is no doubt that the general election of the 24-Parganas District Board was overdue and we thought that Government will take some step by which there might be an early general election, but instead of that Government thought fit to nominate members to a body whose life would continue for two years replacing the elected members. Sir, the House would remember that not long ago we passed a legislation to abolish the system of nomination from all local bodies. Sir, one would naturally wonder how Government could set up a nominated body and at the same time abolish nomination from the local bodies. Where is the consistency? No consistency is necessary in the case of privileged persons.

Now, Sir, let me tell the House something about the fairness of these nominations. The District Board of 24-Pagganas had 30 members including 10 nominated members. After the abolition of the nominations 15 elected members remained because 5 elected members were dead. Out of these 15 elected members only 4 elected members were again nominated in the Ordinance-governed District Board. We do not know on what principle these nominations were made, there should not have been any distinction between elected members Sir, I would now like to tell the House about the treatment of the Government in the matter of nomination of the minorities. The Muslim population of the district is over 33 per cent. Out of 30 nominated seats at least Mussalmans should have got 10 seats, but instead of that only 8 seats have been given. Sir, I would like the House to judge whether this is a fair treatment to the minorities. The Scheduled Caste also did not get a better treatment. Sir, we on this side of the House thoroughly disapprove the Ordinance; there was no urgency,

the only urgency we could find was that when it was not possible to remove the old Chairman even after the abolition of the nomination, Government took recourse to pass the Ordinance only to remove the old Chairman. Sir, the Draft Constitution of independent India is going to provide that the State will not discriminate against any citizen on grounds only of religion, race and caste, but, Sir, we feel that discrimination has been made in the present case. If the old Chairman or the Board was guilty of maladministration Government instead of dissolving the Board, should have instituted an enquiry against the old Chairman and the Board and if found guilty should have taken appropriate action against the guilty person or persons and not foist a nominated body against the will of the people for two years. Government has got thumping majority and they can do whatever they like, and we have nothing else except to lodge our feeble protest.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Mr. Speaker, Sir, my friend Janab Khuda Bukhsh has indulged in good many adjectives but hard words do not break any bones. (Janab MUHAMMAD KHUDA BUKHSH: With a doctor.) But I would like him to follow the statement I make carefully, and then he would realise that most of his objections and criticisms have been due, shall I say, to ignorance and want of proper information. The District Board of 24-Parganas was last reconstituted as far back as 1938-39. There were 20 elected members and 10 nominated members, the total number of the Board being 30. The Local Boards in the district were abolished from the 10th April, 1943. There was no delimitation of constituencies effected as a result of the abolition of the Local Boards, and hence no election could be held for reconstitution of the District Board though it has been long overdue. When the appointed members vacated their seats under the provisions of the Bengal Local Self-Government (West Bengal Amendment) Act of 1947, the total number of members of the District Board were reduced to 20 on the 5th of January, 1948. Of the 20 members 5 were dead, 6 were reported to be regular absentees. The vacancies caused by the 5 persons who died could not be filled up by bye-election as the constituencies, viz., the Local Boards by which they were elected, were non-existent. The remaining 9 members were carrying on the duties of 30 members of which 10 were nominated and 20 elected. Now, according to the Act about which Mr. Khuda Buksh was so particular, no special meeting of the District Board could be held because it required at least half the number of members to be present. Then, again, two new thanas Bongaon and Baigacha which formerly formed part of the district of Jessore and which have been added to the district of 24-Parganas as a result of the Award of the Boundary Commission are not represented on the District Board of 24-Parganas. In these circumstances the present District Board of 24-Parganas, we felt, could not be allowed to carry on the administration of the district. We calculated carefully and we found that a reconstitution of the District Board by election could not take place till the beginning of the next year, even if we have the delimitation of the constituencies completed with the utmost expedition. Therefore the Government came to the conclusion that the District Board of 24-Parganas should be dissolved at once and reconstituted with appointed members for a limited time not exceeding two years as has been done in the case of new districts of West Dinajpur, Nadia, Malda and Jalpaiguri under the West Bengal Districts Act of 1947. There being no provision under the Bengal Local Self-Government Act for dissolution of a district board and its immediate reconstitution with appointed members it was considered necessary to enact a legislation to give effect to the proposal that we have made above.

It is under these circumstances that the Government took upon itself the task of reconstituting the District Board for a short period of time before delimitation could take place and an election could be undertaken. My friends naturally are anxious because this alteration meant that the

Muhammadan gentleman who happened to be Chairman—I do not know him at all (Shaik MOHAMAD RAFIQUE: You are supposed to know him—he is a member of the House.) I admit that I am ignorant on that point. I plead guilty to the charge. I do not know him personally. So, I have neither animus nor prejudice against him and I can assure the members that in selecting the names of the persons we were not so particular to retain the names that were already there; because we felt that sooner rather than later there would be an election and these gentlemen who were there already would at once come in in the natural course of election.

With regard to the problems that Mr. Khuda Bukhsh has put forward that we are not looking after the minorities and that we have given lesser number of seats than they are entitled to, I may, tell the House that the District Board Act or the Local Self-Government Act says that the Provincial Government may—it is not incumbent, it is not obligatory - the Provincial Government may declare a particular community to be a minority community and, if they do so, they must see that their number should follow the distribution of that community on the population basis in the area I am hoping that when the new election takes place, there would be sufficient number of Muslim members coming by direct election from their own constituencies and then all the difficulties which my friends opposite have been mentioning would disappear. But I am sorry that Mr. Khuda Buksh in his exuberance for the advocacy of the cause should have mentioned this simple case as one of monstrosity, depravity, injustice, iniquity, actuated by motives and all sorts of things, but I am positive that members who have heard my statement would agree with me that there was neither an intention on the part of the Government to stop the election and put in nominated members for any length of time nor was there any other option left to the Government except to take recourse to the Ordinance so that a particular number of members--almost equal to the total number of members that worked in the District Board, may be 30—should be nominated for the time being to carry on the work of the District Board.

Shaik MOHAMAD RAFIQUE: On a point of information, Sir. The Hon'ble Premier was kind enough to give us particulars. What was the offence of the Chairman and what was the good point in their Vice-Chairman that the Vice-Chairman was appointed and not the Chairman? Was there any report against the Chairman?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I can assure my friend here that I had not put my mind to the deeds or misdeeds of any particular individual when the names were being selected.

The motion of Janab Md Khuda Buksh that this Assembly disapproves the 24-Parganas District Board (Dissolution) Ordinance, 1948 (West Bengal Ordinance No. III of 1948), as promulgated by the Governor under sub-section (1) of section 88 of the Government of India Act, 1935, was then put and lost.

Adjournment.

The House was then adjourned at 6-45 p.m. till 3-30 p.m. on Wednesday, the 8th September, 1948, at the Assembly House, Calcutta

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of ndia Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 8th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Shri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 54 members.

STARRED QUESTIONS

(to which oral answers were given)

Proposed construction of road and railway routes connecting Calcutta with North Bengal and Assam.

*9. **Maharaja SRIS CHANDRA NANDY of Cossimbazar:** (*a*) Will the Hon'ble Minister in charge of the Departments of Works, Buildings and Communications be pleased to state whether there is any proposal for the construction of road and railway routes connecting Calcutta with North Bengal and Assam?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the proposed routes; and

(*ii*) when the proposed routes will be completed?

MINISTER in charge of the DEPARTMENTS of WORKS, BUILDINGS and COMMUNICATIONS (the Hon'ble Sri Bimal Chandra Sinha): (*a*) Yes.

(*b*) (*i*) The exact alignment of the entire road length has not yet been finally settled. The route as proposed will run from Calcutta to Burdwan and from there to Tildanga and after crossing the Ganga River near Farakka will run up to Bihar border near Sadipur *via* Kaliachak, English Bazar, Gazol and Raiganj. From Sadipur the road will run through Bihar passing over the Ganges-Darjeeling Road from Dalkhola to Chapra and re-enter the district of Darjeeling near Kamala Tea Estate and join the Siliguri-Naksalbari Road at Bagdogra—from Bagdogra it will go to Siliguri and then proceed along the route of Bihar-Assam National Highway *via* Sevoke, Bagrakote, Chalsa, Mainaguri, Dhupguri, Falakata and up to Patlakhowa at the Cooch Behar border in West Bengal.

Of the above, the route from Burdwan up to Tildanga has been generally accepted by the Government of India; the alignment from Tildanga to Bihar border *via* Kaliachak, English Bazar and Raiganj has been provisionally accepted by the Government of India pending investigations regarding the suitability of the crossing of the Ganga River near Farakka.

As regards the alignment between Bihar up to the border of West Bengal in the district of Darjeeling, the Government of India have recently stated that the present route *via* Kamala Tea Estate is only a short-term one and may ultimately have to be changed for a route through Islampur and Naksalbari.

The proposed railway connection is the responsibility of the Government of India and does not concern this Government.

(*ii*) Target date of completion of the road route has not yet been fixed.

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রী মহোদয় অনুগ্রহ করে বলবেন কি—তিনি যে তার উত্তরে বলেছেন যে "target date of the completion of the road route has not yet been fixed"—তবুও আনুমানিকভাবে মন্ত্রী মহোদয় বলবেন কি—কত দিন লাগবে? তিন বৎসর, পাঁচ বৎসর না দশ বৎসর। একটা idea দিতে পারেন কি?

The Hon'ble Sri BIMAL CHANDRA SINHA: The honourable member will realise that it all depends on the availability of materials, but we hope to do it within three years at the latest.

Sri KANAI LAL DE: মাননীয় মন্ত্রী মহোদয় অনুগ্রহ করে জানাবেন কি এই road প্রস্তুত ব্যাপারে প্রয়োজনীয় notice প্রভৃতির ব্যবস্থা করা হয়েছে কি?

The Hon'ble Sri BIMAL CHANDRA SINHA: Yes; land acquisition notices have been served in many portions.

East India Electric Supply and Traction Co., Chinsura.

***10. Sri SATISH CHANDRA CHAKRAVARTY:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether the East India Electric Supply and Traction Co., Chinsura, which supply electricity to the Hooghly-Chinsura Municipality have increased their price per unit of electric consumption for domestic purpose?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the date from which the rate was increased,

(*ii*) the reason for such enhancement of rate;

(*iii*) whether this sort of enhancement of rate is permissible under the contract, and

(*iv*) whether Government have approved of such enhancement of rate?

(*c*) Will the Hon'ble Minister be pleased to state the price of a unit of electricity for domestic consumption within the Municipalities of Serampore, Bandyabati, Telinipara, Bhatpara, Naihati and Hooghly-Chinsura?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) if it is a fact that the price of unit electricity is maximum in the Hooghly-Chinsura Municipality in comparison with the rates prevailing in other Municipalities mentioned above; and

(*ii*) if so, what is the reason therefor?

(*e*) Does the Hon'ble Minister consider the desirability of lowering the price of electric unit in the Hooghly-Chinsura Municipality to the same level as is prevailing in other contiguous Municipalities?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Sri Nalini Ranjan Sarker): (*a*) No, the licensees have not increased their price per unit of electric consumption for domestic purposes but have withdrawn certain concessions allowed to their consumers prior to 1st December, 1947, for domestic supply for lights and fans as a result of which consumers have to pay higher charges.

(*b*) (*i*) The concessions referred to above have been withdrawn by the licensees from 1st December, 1947.

(*ii*) The reasons for such withdrawal of concessions as notified by the licensees to their consumers are enhancement of maintenance costs, increase in the pay and allowances, etc., of the staff employed under the company in accordance with the recommendation of the Labour Commissioner and award of the Labour Tribunal, repayment of loan, and cost of necessary repairs and renewals.

(*iii*) and (*iv*) Permission or approval of Government is not necessary in such cases as it does not exceed the maximum limits prescribed in the licence.

(*c*) Names of places.	Name of the area of the Electric Supply Co.	Net rate per unit for domestic consumption. Rs. a. p.
Municipalities of—		
Serampore ..	Located within the area of the Calcutta Electric Supply Corporation.	0 2 6
Baidyabati ..		
Telinipara ..		
Bhatpara ..	Riverside Electric Supply ..	0 4 6
Naihati ..	Naihati Electric Supply ..	0 4 0
Hooghly-Chinsura ..	East India Electric Supply and Traction, Co.	0 5 6

(*d*) (*i*) Yes, the price per unit of electricity is higher in the Hooghly-Chinsura Municipality.

(*ii*) Increased expenditure of the company due to increase of wages and other emoluments of employees.

(*e*) So long as the price per unit of electricity does not exceed the maximum prescribed in the licence, Government have no power under the law to reduce the price.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state in view of the fact that the consumers of electricity in these places by the withdrawal of concessions have to pay more whether the Government is thinking of taking over the Electric Co.?

The Hon'ble Sri NALINI RANJAN SARKER: Government cannot take over until the period of licence is over.

Sri JYOTI BASU: In view of the last answer given by the Hon'ble Minister will he be pleased to state whether Government is contemplating taking over the Company when the licence period is over?

The Hon'ble Sri NALINI RANJAN SARKER: Yes, Government is contemplating.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state when the licence period of the East India Electric Supply Co. will be over?

The Hon'ble Sri NALINI RANJAN SARKER: I want notice.

Sri BIMAL COMAR GHOSE: With reference to answer (*b*)(*ii*) and (*d*)(*ii*) will the Hon'ble Minister be pleased to state if it is true that the reasons stated therein are given by the Company and that they had not been examined by the Government?

The Hon'ble Sri NALINI RANJAN SARKER: Yes.

Sri BIMAL COMAR GHOSE: With reference to answer (*e*) will the Hon'ble Minister be pleased to state if the Government will consider the desirability of acquiring necessary power in respect of Companies which increase their rates to say that such increase of rates shall be subject to the approval of the Government?

The Hon'ble Sri NALINI RANJAN SARKER: I can only say that I will examine the case.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state as to whether Government is contemplating bringing in a Bill here, so that the Government can without delay take over these companies?

The Hon'ble Sri NALINI RANJAN SARKER: No; for the present no.

Janab ABDUR RAHMAN SIDDIQI: Is it the normal practice of Government Departments to give to the House the views of the party in question in preference to the views of the Government?

The Hon'ble Sri NALINI RANJAN SARKER: Which party? The question is problematical. I cannot answer.

Janab ABDUR RAHMAN SIDDIQI: Sir, in reply to the question put by the honourable member to my left whether answers to questions (*b*)(*ii*) and (*d*)(*ii*) were a sort of suggestion given by the Company, I want to know whether it is the normal practice of Government to give to the House replies to questions given by the Company and not examined by the Department concerned.

The Hon'ble Sri NALINI RANJAN SARKER: Certainly not; it is examined by the Department concerned; but in this case the accounts of the Company have not been fully examined by the Department of Government.

Sri JYOTI BASU: Does the Hon'ble Minister consider that the Company is saying the truth when it says that because it has given all the allowances to its employees, these concessions have been withdrawn?

The Hon'ble Sri NALINI RANJAN SARKER: That is a question of opinion.

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রী মহোদয় দয়া করে বলবেন কি এই Electric Company concession withdraw করে যেভাবে rate বাড়াবার ব্যবস্থা করেছেন, সেটা আইন নয়। এই খারাপ দৃষ্টান্ত দেখে অন্য কোম্পানীও অন্য স্থানে যাতে rate বাড়াতে না পারে, সেজন্য মন্ত্রী মহোদয় একটা বিল আনবেন কি, যাতে অন্য কোন কোম্পানী খারাপভাবে এই দেখে rate বাড়াতে না পারে।

The Hon'ble Sri NALINI RANJAN SARKER: অনেক জায়গা আছে যেখানে এর চেয়ে বেশী rate charge Electric Companyরা করছে। Bill আনা যাবে কি যাবে না তা সমস্ত দিক consider না করে বলা যায় না।

Sri CHARU CHANDRA BHANDARI: তাহলে মাননীয় মন্ত্রী মহোদয় কি মনে করেন যে এখানে যে rate বাড়ান হয়েছে সেটা খারাপভাবে করা হয় নি?

The Hon'ble Sri NALINI RANJAN SARKER: আমার adviserরা বলেছেন এরা যে rate বাড়িয়েছেন তা অন্যায় নয়।

Sri HARIPADA CHATTARJEE: মাননীয় মন্ত্রী মহোদয় কি অবগত আছেন যে এই সব Private Companyগুলি অনেক সময় নিয়মিতভাবে বিদ্যুৎ আলো সরবরাহ করতে পারেন না যা আইনতঃ তারা করতে বাধ্য—অথচ তারা অতিরিক্ত charge করে। এই দৃষ্টান্ত দ্বারা তাদের সেখানে আরও উৎসাহ হবে না কি?

The Hon'ble Sri NALINI RANJAN SARKER: তা আমি মনে করি না। এই কোম্পানী কোন সময় আলো দিতে refuse করেনি।

উনি যে প্রশ্ন উপস্থিত করেছেন, সেটার জন্য একটু অপেক্ষা করবেন। কারণ এ বিষয়ে আরও একটা প্রশ্নের উত্তরে আছে।

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if it will be correct to say, in view of the reply given by him to the question put forward by Sri Charu Chandra Bhandari that the Government have examined the reasons for the Company withdrawing the concessions that they were giving, and were satisfied that the Company was justified?

The Hon'ble Sri NALINI RANJAN SARKER: I did not say that the Government examined the issue On the face of it my adviser told me that it was not unjustified.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if he has satisfied himself that the adviser in giving his opinion had examined the case?

The Hon'ble Sri NALINI RANJAN SARKER: I satisfied myself as far as possible

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state, arising out of the answer that he has given to an honourable member sitting to his right, if and when Government are satisfied that the Electric Supply Companies, i.e., the licensees, are not running their concerns in as efficient a manner as they should and that they fail to supply electric energy to the consumers, they propose to take action against the defaulters?

The Hon'ble Sri NALINI RANJAN SARKER: It is a general question and has nothing to do with this

Mr. SPEAKER: Questions over.

Amendments to the Bengal Motor Vehicles Rules, 1940.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to lay before the House the Amendments to the Motor Vehicles Rules, 1940.

GOVERNMENT BILLS.

The Calcutta Sheriff's Bill, 1948.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to introduce the Calcutta Sheriff's Bill, 1948, which has already been published in the Official Gazette.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I beg to move that the Calcutta Sheriff's Bill, 1948, be taken into consideration.

Sir, I have only to add a few brief remarks in connection with this motion. Sir, as may be well known, 174 years ago a Charter was issued establishing in the City of Calcutta what was then called the Supreme Court of Judicature in Fort William Bengal and in that Charter, Sir, provision was made for the purpose of execution of writs, summons, etc., ancillary to the business of the High Court But, Sir, the office of the Sheriff was not made an integral part of the High Court and that practice has continued ever since. From time to time the business of the Sheriff's office has been regulated by rules prescribed in that behalf by the High Court and when the Supreme Court ceased to be and the Calcutta High Court became its successor under different enactments, different Constitution Acts, the same practice continued. The position to-day is that, Sir, under the Adaptation of the Government of India Act provision has been made for continuance of the office of the Sheriff as it used to be in the past but, Sir, it would not be out of place to mention here, incidentally, that in the Draft Constitution no provision has been made with regard to the office of the Sheriff or with regard to the functions which that office is at present carrying out. In view of that, Sir, it is quite possible that an

anomaly may arise in time to come. But that is only what I observe incidentally. For a long time past, Sir, for the last 25 years the question has remained in the air of taking over of the office of the Sheriff by Government to make it an integral part of the office of the Calcutta High Court. But, Sir, somehow or other that has remained in abeyance, namely, the recommendations of the Committee appointed by the High Court. From time to time the same recommendations were reviewed and confirmed by the High Court, yet they have remained in abeyance. At last, Sir, this Bill is being moved in this House in order to give effect to those recommendations that instead of leaving the Sheriff's office as a private concern it should be made a definite office taken over by Government. The practice has been that if, in the conduct of business, the Sheriff's office incurred expenses which resulted in any surplus as a result of the income they received in surplus over the expenditure, that surplus would go to the Sheriff, but whenever any deficit came about that would be a liability on the Provincial revenues. It is therefore only just and fair that the present government in the new setup should take over the office and make appropriate rules and regulations with regard to the conduct of business of the Sheriff's office to bring it in line with other government offices or offices of the High Court. It is in that view, Sir, this bill has been moved and I hope it will find the unanimous approval of this House.

Mr. C. C. D. WILKS: Mr. Speaker, Sir, with the general provisions of this Bill there is no dispute, though it may be regretted that so ancient an office, dating back 222 years, is to be.....

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I think it is not 222 years. There is some mistake about the date.

Mr. C. C. D. WILKS: I am sorry, I stand corrected. Well, Sir, this ancient office is to be shorn of its dignity and independence and the ceremonial traditions attaching to it are to vanish. But concern there is in respect of those provisions—clauses 8, 9 and 10 of the Bill—which relate to service and pension, for they gravely affect today's incumbents of the Sheriff's office.

For example, under clause 9, the West Bengal Government purpose to take over, along with the office, the Sheriff's Pension Fund. This fund, founded by the sheriffs of Calcutta for the particular benefit of the clerical and executive staff of the sheriff's office when such incumbents retire or become physically unfit for service, was established from contributions made by the sheriffs of Calcutta from the year 1905. The fund is regulated by rules formulated and framed by Sheriff Dowding, who was responsible for placing the fund on a sound basis, and who was also instrumental in having the rules, by which the fund is administered, approved by the Government, the High Court, and by the Chief Justice. Under the rules of the fund, declared a Trust Fund in 1944 by the High Court, retirement is optional, and the Sheriff of the year, together with the Registrar of the High Court on the Original Side, are the trustees.

The fund today amounts to Rs. 2,63,601-3-9 (Rs. 2,55,800 invested in Government securities, and Rs. 7,801-3-9 in cash). From the interest earned pensions now being drawn are paid. In the immediate future, it is likely that the fund may be called upon to bear the burden of additional pensionary charges upon the termination of service of those of the present staff who may not elect to serve with the West Bengal Government.

It is to be noted no mention is made in the bill about how the Sheriff's Pension Fund shall be administered when taken over, nor yet what is to be the position of the beneficiaries of this trust fund, and whether the Government is prepared to compensate those members of the present staff who will be compelled to retire, if the Government's terms of service and pay offered vary from those they get from the Sheriff and adversely affect their pension.

When the Government of India took over the Railways, employees were given the option of continuing service under the then existing railway provident fund rules, or of placing themselves under the Government of India's pension rules. A similar option ought to be given the present employees of the Sheriff's office; but no such option seems either to have been considered or, if considered, no mention is made of it; though, as far as can be seen, no pecuniary loss is likely to be incurred by the West Bengal Government as the fund can afford to meet the pensionary charges likely to be made upon it. In addition, it is to be borne in mind, that the corpus of the fund, once the last beneficiary ceases to draw pension, will pass wholly into the exchequer of the Government and shall be finally absorbed. The fate of the Sheriff's Pension Fund is of moment, because all legally declared trust funds may be vitally affected. Is it to be regarded as the future policy and intent of the West Bengal Government to appropriate and swallow all such funds?

It is also to be noted that no mention is made in the bill of the salaries to be paid to those members of the present staff who may wish to continue in service when the West Bengal Government take over the Sheriff's office. But, under clause 10, sub-clauses 5A and 5B, together with the explanatory clause attached thereto, it is made obligatory upon them, if they continue in service, to refund any gratuities received in the Sheriff's office, forego any benefits accruing to them from the fund, and agree to draw pension, when such may fall due, according to the West Bengal Government's pension rules only. This is iniquitous, especially that part of the obligation which relates to the Sheriff's Pension Fund. Why should a beneficiary of this trust fund be so fearfully penalised? It will be generally acknowledged that the bill's provisions weigh harshly, even unjustly, on the present incumbents of the Sheriff's office, particularly those who may elect to continue in service. They stand to suffer loss of service and loss of pay, and may be loss of pension too: loss of service because retirement is optional under conditions of service operating in the Sheriff's office, and loss of pay because all fees collected from the litigant public in the Sheriff's office hitherto perquisites of the Sheriff and certain of his staff are henceforth to be credited wholly to the West Bengal Government.

Lastly, under clause 10, sub-clause 3, it is enjoined that, in the event of any dispute arising about pension, gratuity, or compensation payable, the dispute shall be referred to the West Bengal Public Service Commission, whose decision is to be regarded as final and shall not be the subject matter of any proceeding in any court of law. This is arbitrary: it deprives a disputant of that right of adjudication by an independent tribunal. But if this clause must stand, it is but reasonable to provide, in the event of a dispute involving any one member of the staff of the Sheriff's office, that the Sheriff of the year be co-opted a member of the Commission for such a case, so that the Commission may be fully acquainted with facts, the disputant feel his case receives fair consideration, and be assured that justice shall be done to him.

I would therefore like to ask the Hon'ble Minister the following questions and shall be obliged for his answers:—

Will the Government state what they are going to do with the Pension Fund of the Sheriff's office which is a Trust Fund and has been declared as such by the High Court?

The beneficiaries of this Fund are the present employees of the office and the pensioners who have a vested interest in the Fund.

Are the Government aware that retirement under the rules of the Pension Fund is optional?

How do they propose then to deal with the present incumbents of the office?

If they compel them to retire, are they going to compensate them for loss of service?

Government propose in the Bill to collect all fees of the Sheriff and his officers; how about giving the members of the staff who earns fees in addition to salary, compensation for the loss of their emoluments which count towards their pay, leave and pension?

Will it be fair to take away the emoluments which count towards pension and offer them less salary as employees under Government? This would affect the pensions of those who receive emoluments under the rules of the High Court.

Will Government carry out the conditions of the Trust Fund till the last beneficiary dies out? If not, will it be fair to take over the Trust Fund?

If Government by legislation take over this Fund, will any other Trust Fund in the country be secure?

Is it fair that Government terminate the services of the present staff directly or indirectly?—Directly by forcing them to retire prematurely on taking over the office and indirectly by offering them less pay than they receive from the Sheriff which will compel them to retire automatically.

To overcome all the difficulties would it not be better to give the present staff an option to remain on in service on the existing conditions of their service as has been done on the Railways?

Would it not be advisable for Government to state the pay they will offer the staff and conditions of services, especially when they are taking over a Trust Fund of over Rs 2,61,000 unlike any other office they have acquired?

In view of the difficulties that have arisen regarding their Bill, would it not be advisable to consider and make provisions for all these considerations in another Bill which would safeguard the interest of all the incumbents of the Sheriff's office?

And, lastly, if this suggestion is acceptable, the Bill should be recast accordingly.

Janab ABDUR RAHMAN SIDDIQI: Mr Speaker, Sir, I was pleased with the mild eloquence of the Hon'ble Minister for law this evening on this Bill, but along with that sense of pleasure I was astonished that a gentleman of his advanced views who even mentioned the words "the present set-up" had the temerity to bring before this House a Bill which is intended to continue an institution which represents our past. I have never understood why this institution of Sheriffdom was continued in Bengal or in all the other High Courts having Original Jurisdiction except the fact that we imitated the institutions of our masters and carried on the fiction of the law being administered by His Majesty. Only yesterday we had heard the sentence from him that certain powers were being taken away from the High Court because the Government wanted to govern and carry out things as it wanted to. With that mentality, Sir, I was expecting that the Hon'ble Minister would come out and tell us that the *tamasha*, generally arranged when the criminal sessions of the High Court begins, where in the name of His Majesty, the Sheriff permits the Judges of the High Court to administer justice in His Majesty's name, is ended. Sir, can we not do without Sheriffs, Deputy Sheriffs and the department? If summonses have to be carried to litigants, let the High Court do it! If any other services are rendered by the present Sheriff, perhaps the High Court or if the present Government is anxious to curtail the powers of the High Courts here, there and everywhere, then perhaps a department of the Government could carry on the duties which a Sheriff or his department carries on. Why continue this legacy of a period which none of us is prepared to admit as a point of honour for us?

The other point which I would request the Hon'ble Minister to consider is whether the special fees collected by the Sheriff or the members of his department cannot be altogether abolished for the simple reason that our case during the last many years has been that justice should, so far as possible, be cheapened, that the poorer man should also be able to get justice where he may not be able to get it because of his poverty. May I, therefore, Sir, request the Hon'ble Minister in charge of this Bill as well as his colleagues in the Cabinet to withdraw it and carefully study whether the continuance of the institution of sheriffdom redounds either to our honour or adds in any manner whatsoever to the administration of justice among our people. A government which carries on its work through ordinances and laws of the type of the Security Bill could perhaps get rid even of the Sheriff by an ordinance easily enough. It should be possible for the Government, Sir, to find other ways of carrying the wishes of the High Court or the Government whichever takes upon itself the responsibility of administering justice in some cheaper, in some quicker, in some more methodical manner than any *tamashas* which are, as I have said, enacted at the beginning of every criminal session. I do not know if my words will carry any weight with the Hon'ble Minister, but I would again appeal to him to make law courts as Indian as they are trying to make the government of the province and in that view, Sir, I would most earnestly appeal to him to withdraw this Bill and come back to the House with something on the lines that I have tried to suggest.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, if there are no other speakers on this motion I should say in reply that I am grateful to the honourable members who have spoken in opposition, raised questions as well as made suggestions in connection with this Bill. Today's Bill, Sir, has no reference to yesterday's debate. I therefore do not know why a reference was made to that debate. I can assure the honourable member for the Muslim Chamber of Commerce that his suggestions will receive every consideration at the hands of the Government, for this Government is only eager and willing to give its utmost sympathetic consideration to sensible suggestions whenever they are available and wherever they may be coming from.

As regards the question of abolition of fees and such other things, I can assure him that it is the intention of Government in course of time to review all the procedural laws and practices and gradually to usher in a system which may be most in keeping with the needs of our poverty stricken people in their different spheres of life. But, Sir, there is perhaps one misconception in what he has said while he was referring to imitation of the days of what he called "our masters". I can assure him that there is no imitation involved. If this Government was inclined to irrational imitation, perhaps the office of the Sheriff would have been left alone.

I am glad to observe here that the honourable member representing the Anglo-Indian constituency has accepted the principle of the Bill, if I did not understand him wrongly, but he had certain suggestions to make and certain questions to raise bearing on the question of safeguarding the interests of the present employees.

Now, Sir, the standpoint of the honourable member representing the Muslim Chamber of Commerce was different. His fundamental stand was opposition but his argument, I am afraid, was based on this misconception that we were imitating anything or anybody. It is precisely because of that reason that Government has thought fit to bring forward this Bill in order to take over the Sheriff's office and not to leave it alone as it had been in the past. It is also expected, Sir, that when the Draft Constitution has been passed, when the new Constitution of India has come into

being, provisions will be made therein as well as in consequential legislation, after the new Constitution has been adopted, for regulating the courts of law as well as the entire system of administration of justice. If my friend is anxious to feel Indian inspiration in our systems of law, I can assure him there will be no dearth of it. But there is another fundamental misconception about the system of what he called "our masters". I suppose in characterising them as "our masters" he was referring to himself and men of his persuasion, because we had never accepted them as "our masters", and today if anything has taken place it is this: We have taken possession of everything—lock, stock and barrel—of people who were working here as masters and now we are out to set things in order in ripeness of time and according to our best lights.

Sir, it will take no less than another year and a half according to common computation for the Draft Constitution to be passed into law and for things to be shaped under the new Constitution. In the meanwhile what are we to do? Are we to let things drift on during that period or are we to take some interim measure? This Bill is therefore a timely and much called for interim measure which, I think, will find acceptance even with him on further consideration of the matters I have advanced here.

And, Sir, about the name, there is no dispute that the functions which the Sheriff's office were carrying on have to be carried on. The execution of writs, summonses and such processes has to be done. For that some officers will have to be appointed. The name does not matter so much. There is nothing sacrosanct about the words used. What Nazis might have done in the past or are still doing in some courts is being done by Sheriff in the High Court. The name does not matter. In the High Court the officer carrying on those functions may very well continue to be called the Sheriff. I believe there is nothing very abominable in the name or sacrosanct in the name either if any change was called for. I therefore do not think one can attach much importance to that objection.

As for the other suggestions about making our law courts as Indian as possible Government will certainly be very happy to receive any concrete suggestion that he may have to advance. In fact we extend to him the invitation of the Government to present any concrete and constructive suggestion and scheme that he may have, out of which we may benefit and introduce the element of Indian inspiration more and more in our system of administration of law.

Now, Sir, to turn to the arguments advanced by Mr. Wilks he has mentioned about 14 questions which he had formulated earlier. I would have been very grateful if he supplied me with a copy of his 14 questions, because it is not easy to answer 14 questions off-hand if one has to answer in a considered manner as it is easy to put 14 questions from a piece of paper. As regards these questions I can assure him that if we are supplied with a copy of the questions, each one of the questions will receive our careful attention. If I understand him aright these questions again relate to the interests of the existing employees mostly, and on that score I think such things are not matters to be embodied in a statute. Matters of salary, pension rates and such other things are usually done under executive ancillary rules subsequently made for purposes of administration and on that score I think, Sir, all these points will have received very careful consideration. I am afraid, Sir, my honourable friend was labouring under a very serious misconception when he mentioned that there was some trust fund. There was nothing of the kind. There is no trust fund; there is a fund called the pension fund of the Sheriff's office, which fund has been accumulated through accretion of surpluses. Whenever any surplus was available it was handed down by successive Sheriff's to constitute a fund called the Sheriff's pension fund, out of which the private employees of the Sheriff were getting their pension allowances after retirement. So that there is no question of trust fund in this country

being in danger or in jeopardy. On the contrary, Government is taking over this pension fund miscalled the trust fund, although trustees were appointed to disburse out of the fund according to certain pension rules drawn up by the Sheriff called the Dowding rules, and on that score Government is taking the liability of meeting and granting pension to the employees hereafter. It is quite conceivable that under the private management of persons there were rules of a kind from which certain type of employees might be benefited more than what they might under Government pension rules. Now, Sir, it is quite obvious that if Government is to extend the benefits of the pension rules to numerous employees then such privileges must be regulated by certain rules. It is quite conceivable before things have come under the purview of Government that certain privileges which are in excess of the privileges enjoyed by the general run of Government servants must suffer a little detriment, but such sacrifices we all have to make in different spheres of life whenever we wish to bring things under a state of regulation. We know that the system of budgetary provision is being introduced in the Indian States. The interests of the Princes are being jeopardised in this respect to some extent. They have got to suffer a little bit of jeopardy and give up undue privileges. In a like manner I do not know in what respect it is apprehended that any legitimate interests may suffer as a result of this Bill. It is a matter of detail. I do not know as to how anybody may fear suffering anything. Under the provisions of the Bill Government is assuring privileges of pension to all the employees. Furthermore, if anyone is dissatisfied with the decision of the Government, or even Governmental rules, or wants a revision of them or expansion of privilege of pension, provision has been made not for the Government to decide but for the Public Service Commission to decide. The Public Service Commission is the statutorily constituted body which deals with such matters of employment, privileges, service conditions and so on and so forth in the common course of things. Therefore, Sir, I believe that the clause which Mr. Wilks subsequently referred to, namely, clause 106(3) gives a complete answer to his prior objection that nothing was provided for about the pension rules and pension conditions. I think that men in the Public Service Commission from time to time will be men worthy of confidence of all, men not at all under the thumb of the executive or anyone else and therefore men who might be expected to do justice whenever a dispute was sent before it either on the initiative of Government or on the initiative of the employees who felt that they were victims of any injustice or iniquitous treatment. For my part on behalf of Government I can assure Mr. Wilks that when we go into details all these points will receive the most careful consideration of Government, and therefore I think there is no cause for any apprehension. Furthermore, since Mr. Wilks has accepted the fundamental principle of the Bill, namely, that the Sheriff's office should be taken over by the Government we are giving effect to what he himself has agreed to. And then if on details he has any further suggestion I would welcome such a suggestion when the provisions are going to be put into effect. I believe I have managed more or less to answer as far as one possibly could in respect of the questions which were just now raised. It is needless to say more on this Bill, because on the principle there is not much divergence of opinion, and it must be realised that this being an interim measure we shall be able and be in a position to fix up the final shape of things when under the new constitution of the Indian Union the entire system of administration of justice may be the subject of a fresh legislation under the normal set-up of India's constitution by India's Parliament.

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the Calcutta Sheriff's Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill, was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill, was then put and agreed to.

Clause 3.

Sri DHIRENDRA NARAYAN MUKHERJI: Sir, I beg to move that in sub-clause (2) of clause 3, lines 2 and 3, for the word "remuneration" the word "allowances" be substituted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I accept the amendment

The motion of Sri Dhirendra Narayan Mukherji that in sub-clause (2) of clause 3, lines 2 and 3, *for* the word "remuneration" the word "allowances" be *substituted*, was then put and agreed to

The question that clause 3 as amended do stand part of the Bill was then put and agreed to.

New clause 3A

Sri DHIRENDRA NARAYAN MUKHERJI: Sir, I beg to move that after clause 3 the following new clause be inserted, namely:—

"3A The Deputy Sheriff of Calcutta shall be appointed in such man-
Appointment of the ner and shall be entitled to such allowances as may be
Deputy Sheriff of Calcutta. prescribed."

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I accept the amendment

The motion of Sri Dhirendra Narayan Mukherji that after clause 3 the following new clause be inserted, namely:—

"3A The Deputy Sheriff of Calcutta shall be appointed in such man-
Appointment of the ner and shall be entitled to such allowances as may be
Deputy Sheriff of Calcutta prescribed" was then put and agreed to.

Clause 4.

(When the question that clause 4 do stand part of the Bill ... was being put.)

Sri DHIRENDRA NARAYAN MUKHERJI: Sir, I have a verbal amendment to move.

Mr. SPEAKER: I wish to draw the attention of the Government to this. If at the last moment amendments are ushered in, we are not in a position to circulate those amendments to the members and so the members are not in a position to consider them. So, I would request the Government that in future they should give us the amendments at least half-an-hour or one hour before they are moved, so that we may cyclostyle them and furnish copies thereof to the members.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I am very sorry that this inconvenience has taken place. Certain suggestions about some very minor amendments—in some cases verbal and in some cases of a minor nature—were brought to my notice in order to improve the drafting and one of the amendments is only a consequential amendment, I mean the last one. I, therefore, Sir, agreed to accept such amendments

because they were of this nature. If there had been amendments involving any principle of the Bill, I can assure you, Sir, that I, myself, would not have agreed to accept such amendments unless due notice were given.

Janab ABDUR RAHMAN SIDDIQI: With regard to the point you have raised, Sir, and to which the Hon'ble Minister replied that the amendments were of a minor nature, you will, perhaps, agree with me, Sir, that the substitution of the word "allowances" for the word "remuneration" cannot be called a minor point, because it may have something to do with the Income-tax Act and thus to call it a minor affair, without giving the House sufficient time to consider these important amendments, as I consider this one between "remuneration" and "allowances" to be, I feel, Sir, that he will show consideration for our incapacity, if the Hon'ble Minister thinks it so, to understand things in a moment.

Mr. SPEAKER: I do not wish to impede the passage of this Bill on such grounds However insignificant the alterations or the amendments may be, the members are entitled to have a copy thereof. I have got nothing more to add now save and except to draw the attention of Government to this

Janab MD. KHUDA BUKHSH: Sir, since you have ruled that we ought to possess copies of amendments moved by Government at short notice and since the Government have failed to supply us with copies of such today, may I submit to you that this Bill be held up till such time as the Government have supplied copies to us

Mr. SPEAKER: I do not propose to do so and for this reason I do not want to hold up the business of the House, because the amendments, as stated by the Hon'ble Minister, are only of a minor nature Therefore you will please consider the amendments on their merits I have already drawn the attention of Government that sufficient time should be given before the amendments are taken up on the floor of this House to enable my department to circulate them to the members

Sri DHIRENDRA NARAYAN MUKHERJI: Sir, I beg to move that in clause 4 *for* the words "His officer and servants", the words "Deputy Sheriff and his subordinates" be *substituted*

The motion was put and agreed to.

The question that clause 4 as amended do stand part of the Bill was then put and agreed to.

Clause 5

Sri DHIRENDRA NARAYAN MUKHERJI: Sir, I beg to move that in clause 5, in lines 4 and 5, the words "Deputy Sheriff of Calcutta and of" be omitted

The motion was put and agreed to.

The question that clause 5 as amended do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was put and agreed to.

Clause 10

The question that clause 10 do stand part of the Bill was put and agreed to

Clause 11.

Sri DHIRENDRA NARAYAN MUKHERJI. Sir, I beg to move that in sub-clause (2) of clause 11 paragraph (*a*) be renumbered as paragraph (*aa*) and before that paragraph the following paragraph be inserted, namely :-

"(*a*) the manner of appointment and the allowances of the Deputy Sheriff referred to in section 3A."

The motion was put and agreed to

The question that clause 11 as amended, do stand part of the Bill was then put and agreed to

Preamble

The question that the Preamble do stand part of the Bill was then put and agreed to

The Hon'ble Sri NIRARENDU DUTT-MAZUMDAR: Sir, I beg to move that the Calcutta Sheriff's Bill, 1948, as settled in the Assembly, be passed

I do not think it needs any discussion as there is no amendment from the Opposition All the amendments that have been moved have been accepted

The motion was then put and agreed to

(The House was then adjourned for fifteen minutes.)

(*After Adjournment.*)

The West Bengal Maternity Benefit (Tea Estates) Bill, 1948.

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, I beg to introduce the West Bengal Maternity Benefit (Tea Estates) Bill, 1948

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri KALIPADA MOOKERJEE: I beg to move that the West Bengal Maternity Benefit (Tea Estates) Bill, 1948, be taken into consideration

Sri JYOTI BASU: Sir, I hear that this Bill had been circulated to us a long time ago, in March last; that is what the Secretary to the Assembly told me But unfortunately, somehow or other I at least missed that Bill at that time and there was not sufficient time to go into the details of this very important piece of legislation which has been brought before the House and we were so flooded with all sorts of Bills just before the session began that one could not at least speaking for myself I could not, go into the details of some of those important Bills. I do hope that some further time would be given to us to consider these Bills and suggest our amendments. But as it seems to me that time is very important, I do not

request at this stage to grant me or us that privilege; but all the same on reading this Bill which has been long overdue, as far as plantation labour is concerned one cannot but say that as far as the objects and reasons of the Bill go it is a very commendable piece of legislation which has come up before the House. But I do not know whether the Hon'ble Minister who is introducing this Bill has by investigating as to what is really happening in the tea gardens in Darjeeling, Jalpaiguri and other places really found out the actual state of affairs. He says in the Statement of Objects and Reasons: "On enquiry it transpired that the system of paying maternity benefits in one form or other was in vogue in the majority of the plantations", and that this statement has been cited here after due investigation. As far as I am concerned, I know that in many gardens this system of course on paper is there but it will be found if a proper detailed investigation was made that the plantation owners more often do not abide by those rules which perhaps they themselves have framed. Therefore it is useless today telling us without enquiring into the matter in detail and being charitable to the plantation owners that it is in vogue in some form or other, because in fact one fundamental demand which has all along been raised by tea garden labourers and their unions has been for maternity benefits which for all these long years have not been granted by the plantation owners.

Now, this Bill on the whole is very revealing because it seems to me that the Hon'ble Minister introducing this Bill here today does not really know as to what happens inside the tea gardens, and that is why we shall find even after this Bill becomes an Act that there are innumerable provisions in this Bill whereby the plantation owners will be free not to comply with the provisions of this Act. For instance, it is said, to give certain examples from the Bill, that a woman would be entitled to maternity benefit in respect of a period of six weeks preceding the expected day of her delivery and six weeks following the day of delivery. But it is also said together with this that this provision has been made provided she works in any factory or plantation of the employer from whom she claims all the maternity benefit, for not less than 150 days in the twelve months preceding the expected day of her delivery.

Now, I do not know how this can or will be proved by the woman who claims maternity benefits because we know that it is the easiest thing inside the plantations today to have two or three sets of registers and registers manipulated according to the whims and fancies of the tea garden owners or managers. That is why the woman, as far as this particular clause and its proviso are concerned, has no remedy if the owner chooses, as he often does, or if the manager chooses, as he often does, to have his register prepared according to his own light.

Further, we find here in the Bill a provision made—I do not know on what calculation—that maternity benefit of Rs. 5-4 will be paid for every week during the period of 12 weeks, referred to in the other section. Now, perhaps for 1939 prices, that is pre-war prices, this might be a sufficient amount, but when today the cost of living index—all-India index—stands at about 382, I do not know why the Hon'ble Minister has again been so charitable to the plantation owners as to make it out that only Rs. 5-4 a week would be paid. What will the woman who needs maternity benefit do with this during the period she needs to be fed and clothed properly, but I am hoping that the Hon'ble Minister will give us his reasons as to how he came to this particular figure and why it has been fixed so low. We know that plantation labour, specially in our country today, is ill-fed and ill-clothed throughout the year. Therefore, one would have expected that at least during this period of 12 weeks she would be properly fed and looked after, but I am sure nobody here would suggest that when the cost of living index stands at 382, Rs. 5-4 a week is sufficient for a woman in her condition.

Then we find in section 6, which speaks about ante-natal and post-natal care of women, that the woman who is claiming maternity benefit has to take a certificate from the medical practitioner in the tea garden. Now, this particular medical practitioner, of course, is an officer or a doctor employed by the tea-garden owner. It is obvious, therefore, that if and when necessary, and specially if they wish to circumvent this particular section of the Bill, then it would be the easiest thing for this particular medical practitioner not to give this certificate to the woman claiming maternity benefit. We know that in other industries as well, let alone tea gardens, for instance, in the railways, I know, which belong to the India Government, the medical practitioners have more often than not to be paid Rs. 2 or Rs. 3 or Rs. 4 when they go and visit workers' quarters to treat them although free treatment has been prescribed for the workers. So, we can understand what will happen in the far away places in the tea gardens where jungle law prevails as far as the managers and tea garden magnates are concerned and where slave labour prevails that is common knowledge to everybody. Therefore, this particular section is the most vicious section. We know that as long as this remains, I think, over 50 per cent of the women who are entitled to get maternity benefit will be deprived of the maternity benefit. I am sure that in these days when we see that unions are growing up in nearly every tea garden and in the unions both men and women become members, if ever there is a dispute between the employees and the employers, then this particular section would be taken the fullest advantage of in order to deny maternity benefit to the deserving woman.

Then, although in sub-section (5) it is said that the employer shall arrange for the services of a medical practitioner, we know that in many gardens ordinary compounders have been employed by the tea garden owners and I am told by my friend Sri Ratanlal Brahmin that in most of the gardens in Darjeeling this thing prevails because they have to pay more money to the properly qualified medical practitioners. Therefore, ordinary compounders and others are employed. So, if that be the situation, then what kind of pre-natal and post-natal care would be received by the women and in some gardens even this does not exist. So, one does not know from whom this certificate has to be taken by the woman.

Then if there is a dispute about this weekly payment, she does not go to court—she has no power to go to court and sue the manager or the owner. What she will have to do in that case, as has been provided in clause 8(5) of this particular Bill, is that she will have to go to the Inspector of Factories, West Bengal, and thereafter, if he gives an adverse judgment, to the Labour Commissioner, West Bengal, whose decision shall be final. Now, this procedure for a woman, i.e., that she will have to go through all these cumbrous procedures and not at the very beginning go to court would mean that if this payment for some reason or other is not made, then in 50 per cent. or more cases it would be impossible for her to get any consideration whatsoever. We know from our experience what these Inspectors of Factories are doing and how, when they visit the gardens, they are cowed when they stand before the tea garden magnates or even before their managers. That is common knowledge to us who organise unions in the tea gardens. Therefore, we know what would be the fate of the woman who appeals to the Inspector of Factories and, thereafter, to the Labour Commissioner. In any case, it is impossible for a woman in that stage to go hunting for evidence from all over the garden that she was right and her claim was justified and the claim of the tea garden manager was not justified.

Then the most amusing part and the thing which completely nullifies the whole Bill is section 13 where penalties are provided for. Now, what is the penalty that the owner has to pay—a fine which may extend up to Rs. 500 if he violates any of these clauses. There also it is said that

before this prosecution can be gone into, again the Inspector of Factories steps in and thereafter the Labour Commissioner. He has to give permission before one can sue the manager or the tea garden owner. Therefore, it is obvious that such sort of procedure means that every precaution has been taken by our present Ministry and Government in order to save the tea garden magnates and the owners. That is what I find from this Bill. Were it a Bill on civil liberties, we know what the penalty clauses would have been. But here we find that this solicitude is for their friends, the tea garden owners. The worst magnates who have ever run factories and plantations in India are these people who, for the last over 150 years, have been running their factories on slave labour. These are the people for whom this consideration has been shown by the Hon'ble Sri Kalipada Mookerjee and the Ministry as a whole. It is quite understandable as far as I am concerned, because I know that they are their friends. They talk about imprisoning these people if they do not give maternity benefits or violate any of these clauses. They cannot and have not the power to do these things, because we know that they kotow to these people and they are the representatives of these rich profiteers and blackmarketers and people who trade on human flesh and blood. This is the Bill which, after so much consideration, they have been able to bring before us. They are lost to all sense of shame. That is what it seems to me. I know that they will tomtom this as a great achievement on the part of the Ministry. They cannot for long hoodwink the people, because the tea garden workers to their cost will understand what benefits this Bill is going to give them.

The motion of the Hon'ble Sri Kalipada Mookerjee that the West Bengal Maternity Benefit (Tea Estates) Bill, 1948, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill, was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill, was then put and agreed to.

Clause 3.

Mr. J. R. WALKER: Sir, I beg to move that in clause 3(*1*), line 2, for the word "six" the word "four" be substituted.

I also beg to move that in clause 3(2), line 2, for the word "six" the word "four" be substituted.

Mr. Speaker, Sir, in speaking to this my first amendment on the Bill before us, I propose, with your permission, to cover all the first eight of my amendments, as it will be seen that they are identical in intention. Their purpose is to replace the 12 weeks proposed for maternity benefits for Tea labour by an eight-week period. In moving this alteration I realise that I may lay myself open, particularly by my honourable friends, to the charge of illiberality or even inhumanity. The medical aspect of this question, on which such a charge would be based, I cannot presume to argue in face of such reputed professional experience as that facing me across the House in the person of the Hon'ble the Chief Minister. I take my stand in recommending this change on the grounds that uniformity is desirable. In my view legislation of this kind, although a provincial subject, should be identical in its application throughout the country. This was by implication the view taken by the Tripartite Conference of 1947 for the tea industry, which gave its approval to the eight-week period for maternity benefits amongst Tea labour. Moreover, not only does the corresponding legislation in Assam enforce an eight-week period,

but in this Province the Bengal Maternity Benefits Act of 1939 follows the same condition. If the period of twelve weeks is medically desirable, then no time should be lost in amending the existing legislation in this Province to conform, and in persuading our friends in neighbouring Provinces also to fall in line.

My call for uniformity of application in this respect is based on two considerations, both of increasing importance in this country today. The first is administrative facility. In the example of tea, an industry of considerable complexity, the Indian Tea and similar other Associations are responsible for the organisation and administrative correlation of the whole of the tea areas in North-East India. Its existence is valuable to Government in the control of and liaison with individual units of the industry and to impose varying conditions on salient matters will complicate its work and weaken its value

My second consideration is one of labour. Variation in the benefits which the labour in different areas can legally demand will result in discontent, possibly, fall in production, and ultimately in strikes. If today this legislation is passed, I dare to forecast that tomorrow the Tea labour in Assam will agitate for similar advantages, the labour of other industries in Bengal who naturally are covered by the Maternity Benefits Act will naturally ask for and quite rightly raise their claim for identical conditions.

I, therefore, venture to suggest, Sir, that to introduce the Bill in its present form is inexpedient and fraught with serious consequences. Nor, if the period which has been found to be acceptable in other measures, is adopted here, do I believe that the welfare of the worker will be endangered. I speak, Sir, from my own personal experience when I say that I believe that an employer of the status which I represent has not in the past and will never in the future rigorously enforce the letter of the law to the detriment of the individual. If the medical officer accredited to the establishment—and in this respect with regard to the remarks made by my friend I would say that 95 per cent. to 98 per cent. of the doctors of our tea estates are Indians and the slur which my friend has passed on members of the medical profession—the Indian doctors—is not worthy of him or any other Indian—if he recommends a longer period for maternity recovery than that required by the Maternity Act, it is the recognised practice to grant the requisite leave and to grant it with pay. If a woman fails to take her full pre-natal period of maternity leave, it is customary to give her the balance on the usual pay terms in addition to the prescribed post-natal period. The recommendations of the 1947 Tripartite Conference on Tea, although not enforced by law in this Province, have nevertheless been honoured by the Tea Industry. Moreover, those experienced in contact with labour will support me when I quote the difficulty which today exists in persuading the female labourer to give up her work for the whole of the existing eight-week period. I am sincerely convinced therefore that the adoption of the amendments which I propose will result in no serious distress to those whom it is intended to protect.

The general question of maternity benefits from the medical aspect may then be re-examined carefully with a view to reaching a concurrence of opinion for identical conditions throughout all areas in which labour forces exist. Tripartite Conference on industrial subjects are likely to be held in due course or may be convened and the views of all interests correlated into one recognised practice, which though not enforceable by Central Government powers will be acceptable to and followed by all Provincial legislating bodies.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, in rising to oppose the amendments suggested by the member representing European trade interests in Bengal, I shall certainly refer the medical aspect of the question which he has raised to an eminent physician who is the Chief Minister of

this Province. Sir, if he feels that in the present condition of malnutrition of, and maltreatment to, the tea garden labour generally only four weeks of maternity benefit should be given to them, I shall certainly not question his opinion. But, Sir, about the other point which he has raised about the parity of benefits in tea and other industries, I shall counter his arguments by saying this that Bengal will lead in this progressive legislation on treatment towards labour. What we shall do and what treatment we shall give to Tea labour will be followed by other industries and also by the same industry in other Provinces.

Sir, it was a seeming aspersion that was cast on the medical profession by my friend Sri Jyoti Basu. I know, Sir, that it does no good, it does no credit to make such observations generally about the medical profession. But, Sir, we know, everyone of us knows to our shame, to our discomfiture if you will call it so, we know it for a fact that these doctors are at times dishonest. More often it is the case that for their extortion you cannot get their professional advice, much less their professional services unless and until you are willing to pay and pay through your nose for it. What is the good of shutting our eyes to this shameful state of affairs? I know, Sir, that such are the facts and they make us hang our heads in shame. When, Sir, we have been able to taste the fruits of freedom, when we have been able to regulate our conduct and when we have been able to raise our standard of living, so that these things will be things of the past probably then the remarks made by the honourable gentleman representing the European trade interests in Bengal would be true but today, Sir, they are not With these words I oppose the motion.

The Hon'ble Sri KALIPADA MOOKERJEE: মাননীয় Speaker মহোদয়, যে বিল আমি আজ পরিষদের সম্মুখে উপস্থাপিত করেছি সে বিল জনসাধারণের, বিশেষতঃ শ্রমিকদের কল্যাণ মানসে মাতৃমঙ্গল ও প্রসূতিমঙ্গল বিধানের জন্যই উপস্থিত করেছি। যে সব নারী-শ্রমিক চা-বাগানে দিনের পর দিন কাজ করে আসছেন তাঁদের কল্যাণ-কল্পে এই বিলের বিধান প্রয়োগ করা হবে। আমি ভেবেছিলাম যে এই জনকল্যাণপ্রসূ যে বিল উপস্থাপিত করা হয়েছে সেই বিলে সকল সদস্যদের কাছ থেকেই পূর্ণ সমর্থন পাবো। কিন্তু দুঃখের বিষয় আমার অবস্থা হলো যেন ডাঙ্গায় বাঘ এবং জলে কুমীরের সামনে পড়া। কে বাঘ এবং কে কুমীর তা স্পষ্ট করে বলবার প্রয়োজন নেই একদিকে Mr Walker, চা-বাগানের ইংরাজ মালিকের স্বার্থের খাতিরে এই বিলের কয়েকটি বিধান সম্বন্ধে সংশোধনী প্রস্তাব এনেছেন; অপর দিকে বিরোধিতা করছেন আমার বন্ধু জ্যোতি বসু। তিনি সব সময়ই ভালই হোক্ বা মন্দই হোক্, নির্বিচারে Governmentএর সকল আইন, সকল কর্ম্মপ্রচেষ্টাকেই অপ-প্রচেষ্টা বলে গণ্য করে থাকেন। কিন্তু একটি কথা আমি বলবো যে, বন্ধুবর হয়ত বিস্মৃত হয়েছিলেন যে ১৯৩৯ সালে Maternity Benefit Act পাশ হয়েছিল। এই দশ বৎসরের ভিতর তাঁরা যাঁদের বন্ধু ছিলেন, যাঁদের আওতায় তাঁরা পরিপুষ্ট এবং পরিবর্দ্ধিত হয়েছিলেন, সেই দশ বৎসর ধরে তাঁরা কি করেছিলেন এই বিলকে পাশ করবার জন্য? এবং এই প্রশ্ন আমি আজ করবো যে নির্য্যাতিত এবং নিপীড়িত চা-শ্রমিকদের দরদী বন্ধু সেজে যে সব ব্যক্তি আজ কুম্ভীরাশ্রু-বিসর্জন করছেন, তাঁদের সেই দরদ সেদিন কোথায় ছিল? দশ বৎসর পরে যখন কংগ্রেস গভর্ণমেণ্ট প্রতিষ্ঠিত হয়েছে তখন তাঁরা অনতিবিলম্বে এই বিল উত্থাপন করবার চেষ্টা করেছেন। ছয় মাস পূর্ব্বে বিলটা circulate করা হয়েছে। কিন্তু জ্যোতিবাবু আজও বলছেন যে তিনি সংশোধনী প্রস্তাব দেবার সময়ই পান্ নি। যাই হোক, তিনি যে এতদিন পরে স্বীকার করেছেন যে এটা একটি commendable piece of legislation তার জন্য, তাঁর এই উক্তির জন্য আমি তাঁকে অভিনন্দন জানাই।

Janab Md. KHUDA BUKHSH : But he was in jail then ; তখন তিনি জেলে ছিলেন।

The Hon'ble Sri KALIPADA MOOKERJEE : জেলের কথা উঠছে কিন্তু সে তো কয়েক সপ্তাহের জেল। কিন্তু যখন Congress বছরের পর বছর ধরে কারাপ্রাচীরের অন্তরালে রাজনৈতিক সংগ্রাম এবং স্বাধীনতা সংগ্রামে লিপ্ত ছিল তখন Mr. Jyoti Basu এবং তাঁর সহকর্মীর দল British সাম্রাজ্যবাদের পক্ষপুটে আশ্রয়লাভ করে তাঁদের কায়েমী স্বার্থ বজায় রাখবার জন্য British স্বার্থের সঙ্গে মিলন ও সংহতি সাধনের প্রয়াস পেয়েছিলেন। আজ তাই যখন British স্বার্থকে বজায় রাখবার জন্য অস্থির চেষ্টা চলেছে তখন সেই অপপ্রয়াসকে ব্যর্থ করবার জন্য আমরা সত্যকারের জাতি এবং সমাজের কল্যাণপ্রসূ বিধান প্রয়োগ মানসে আজ এই Maternity Benefit Act চা-শ্রমিক অঞ্চলে কার্য্যকরী করবার জন্য সচেষ্ট হয়েছি।

Sri JYOTI BASU : এখনও রাজা আছে, dominion একেবারে স্বাধীন হয়নি।

The Hon'ble Sri KALIPADA MOOKERJEE : স্বাধীনতা সম্বন্ধে Mr. Jyoti Basu যাই উক্তি করুন না কেন তিনি জানেন যে ভারতবর্ষ আজ সম্পূর্ণ স্বাধীন হয়েছে এবং স্বাধীন সত্তার অনুভূতি প্রকাশ করবার পথে সে চলেছে। তার অন্তরায় সৃষ্টি করবার জন্য অপর এক বিদেশী রাষ্ট্রের সঙ্গে ষড়যন্ত্রে লিপ্ত থেকে তার সদ্যলব্ধ স্বাধীনতাকে ব্যর্থ করবার চেষ্টা হয়ত তিনি করতে পারেন। তাই সেই স্বাধীনতা, যে স্বাধীনতা ভারতবর্ষের লক্ষ লক্ষ নরনারীর আত্মত্যাগ এবং মাতৃবিসর্জনের মধ্যদিয়ে, রক্ত-মোক্ষণের ভিতর দিয়ে বাস্তবের রূপ নিয়েছে তাকে তিনি অলীক এবং মিথ্যা প্রতিপন্ন করতে দ্বিধাবোধ করছেন না।

Janab MD. KHUDA BUKHSH: Mr Speaker, Sir, on a point of order. The speech that the Hon'ble Minister is delivering has no bearing on the subject under debate.

Mr. SPEAKER: I think the Hon'ble Minister should confine himself to the subject matter under discussion

The Hon'ble Sri KALIPADA MOOKERJEE: যে সমস্ত সংশোধনী প্রস্তাব Mr. Walker উত্থাপন করেছেন আমি সেই সকল সংশোধনী প্রস্তাবের বিরোধিতা করছি। তিনি বলেছেন যে Tripartite Conference, বা ত্রিদলীয় সম্মেলন যা দিল্লীতে হয়েছে সেখানে এ সম্বন্ধে কোন Settlementএ আসা সম্ভবপর হয়নি। কিন্তু তারপরে কলকাতাতে আমরা আবার এই সম্মেলন আহ্বান করেছিলাম এবং সেখানে Settlementএ আসা সম্ভবপর হয়েছিল। প্রসবের পূর্বে ৬ সপ্তাহ এবং প্রসবের পরে ৬ সপ্তাহ যে বিধানের ব্যবস্থা আলোচ্য বিলে করা হয়েছে, সেই ব্যবস্থা বিজ্ঞ চিকিৎসকদের মত নিয়েই করা হয়েছে, এবং আজকের দিনেও হয়ত শিল্পপতিদের স্বার্থেই Mr Walkerএর মত ব্যক্তি সেই ছয় সপ্তাহকে চার সপ্তাহে পরিণত করতে চান। কিন্তু শ্রমিকদের স্বার্থে, নারী শ্রমিকদের কল্যাণের খাতিরে ছয় সপ্তাহেরই প্রয়োজন রয়েছে।

আর একটি কথা Mr Jyoti Basu বলেছেন যে যারা এই Maternity Benefit পাবে তাদের সেই Factory Inspectorদের কাছে দৌড়ে বেড়াতে হবে এবং Factory Inspectorরা হয়ত উপেক্ষা বা ঔদাসীন্যভরে তাদের সে মাতৃত্ব পাওনাগণ্ডার দিকে নজর রাখবেন না। কিন্তু তিনি বোধ হয় জানেন না যে জলপাইগুড়ি অঞ্চলেতে, চা-শ্রমিকদের কল্যাণের জন্যই একজন Feetory Inspector নিযুক্ত আছেন, এবং তাঁর কাজই হচ্ছে জলপাইগুড়ি, ডুয়ার্স এবং তেরাই অঞ্চলের সব factory inspection করে সেখানে শ্রমিকদের অভাব অভিযোগ যা আছে সে তদবির বিহিত করা। এবং আর একটা কথা Mr Jyoti Basu বলেছেন যে হয়ত সেখানকার শ্রমিক এবং নারী শ্রমিকদের কল্যাণ সম্বন্ধে আমরা অর্থাৎ কংগ্রেসী সরকার উদাসীন; এবং প্রকৃত শ্রমিক কল্যাণের প্রতি আমরা দৃকপাত না করে এই পুঁথিগত বিদ্যা নিয়েই কর্মক্ষেত্রে আগুয়ান হয়েছি। কিন্তু আমি একথা তাঁকে স্মরণ করিয়ে দিতে চাই যে হয়ত তিনি নিজে কলকাতার এয়াকার মধ্যেই চলাফেরা করে থাকেন, কিন্তু এই শ্রমিকদের অভাব অভিযোগের প্রতিবিধান করে আমাদের নানা স্থানে ঘুরে বেড়াতে হয়, বিশেষতঃ তেরাই ডুয়ার্স এবং জলপাইগুড়ি অঞ্চলে, সকল শ্রমিকদের সংস্পর্শে আমি পরিদর্শন করছি; কাজেই আজিকের দিনে তিনি যে মনে করছেন যে শ্রমিকদের স্বার্থ সম্বন্ধে তিনিই শুধু ওয়াকিবহাল এবং গভর্ণমেণ্ট উদাসীন ও নিশ্চেষ্ট সেটা সর্বৈব মিথ্যা। কেবল শ্রমিকদের তথাকথিত দরদী বন্ধু সেজে থাকলেই আজ সত্যিকারের শ্রমিক কল্যাণ সাধিত হবে না। আজ যখন এই কল্যাণপ্রসূ বিধানের প্রবর্তন করা প্রয়োজন উপলব্ধি করে সরকার আগুয়ান হয়েছেন, তখন সর্ব্ববাদীসম্মতিক্রমে সেই বিধানকে মঞ্জুর করে সত্যিকারের নারী শ্রমিকদের কল্যাণ সাধন করুন।

Janab Md. KHUDA BUKSH : পাঁচ টাকা চার আনার কথা ত বললেন না?

Sri JYOTI BASU : কিন্তু কোন উত্তর দিলেন না, পাঁচ টাকা চার আনার আইন কেন রেখেছেন; আর লাজিনিংএ গিয়ে মালিকদের Planters' Clubএ ছিলেন সে সম্বন্ধেও তিনি কিছু উত্তর দিলেন না; চমৎকার!

Janab Md. KHUDA BUKSH : কিছুই ত উত্তর দিলেন না; পাঁচ টাকা চার আনা যে কি হিসাবে হয়েছে তা বললেন না।

The motion of Mr. J. R. Walker that in clause 3(*1*), line 2, for the word "six" the word "four" be substituted, was then put and lost.

The motion of Mr. J. R. Walker that in clause 3(*2*), line 2, for the word "six" the word "four" be substituted, was then put and lost.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

Mr. J. R. WALKER: Sir, I beg to move that in paragraph (*b*) of clause 11, line 2, for the word "four" the word "six" be substituted.

I beg also to move that in the last sentence of clause 11, for the word "ten" the word "twenty-five" be substituted

Sir, my remaining amendments to this Bill are moved in opposition to those on which I have previously spoken If, as the House has shown, it proposes to adopt a period of twelve weeks as essential for maternity benefits, the conditions of this Act, I submit, must be uniform throughout. To ensure that a woman entitled to maternity benefit does not abuse this concession, clause 11(*b*) furnishes a penal provision against the employee for accepting an employment of any kind during the post-natal period. Anomalies thus arise that although under clause 3 a woman is debarred from accepting employment in a factory or plantation for a period of six weeks from the date of delivery, this is enforced by a penal provision which covers only the first four weeks of the period and thereafter the employee may ignore the provisions of clause 3 without risk of punishment and the employer has no redress since the only circumstances in which he may discontinue the benefit payment before the prescribed period is on the recommendation of an approved medical officer under clause 8(*4*) that the employee is no longer entitled to benefit under the conditions of clause 4. Moreover, clause 3 only prohibits acceptance of employment by the employee in a factory or plantation. The penal clause 11 makes the acceptance of any employment whatsoever during the first four weeks from delivery indictable. For the remaining two weeks of the six weeks' period the

employee, as the draft now stands, is not in any way debarred and has the right to accept employment of any nature other than in a factory or in a plantation These anomalies are simply corrected by my amendments by bringing the period during which the penal restriction operates into line with the period during which maternity benefits are paid and during which acceptance of employment is barred

With regard to my second amendment to this clause, Sir, the rate of cash benefit ordered in this Bill has been considerably raised The maximum penalty in fine for a breach of the restriction on acceptance of employment during the period of maternity benefit leave is unaltered There is accordingly a temptation for the employee to accept other employment so long as the wages rate is more than Rs 10 in a month although risking prosecution. Whether guilty or not, maternity benefit is drawn and although the maximum fine is paid she will financially be the gainer An increase in the maximum sentence of fine to Rs 25 should be sufficient to cover the possibility of an employee gaining by breaking the law.

The Hon'ble Sri KALIPADA MOOKERJEE : আমি এ ক্ষেত্রেও মিষ্টার ওয়াকারের সংশোধনী প্রস্তাবের বিরোধিতা করছি। মহিলা শ্রমিকরা এই Maternity Benefit এর সুযোগ নেওয়া সত্ত্বেও যদি আবার কোনও জায়গায় গিয়ে কাজ করে, তাহলে তার শাস্তির ব্যবস্থা হচ্ছে ১০৲ টাকা জরিমানা। সেই দশ টাকা পরিবর্তন সাধন করে তিনি ২৫ টাকা করতে চান। কিন্তু যাদের ৫।৶ আনা কোরে সপ্তাহে ভাতা নির্দিষ্ট করা হয়েছে তাদের পক্ষে ১০৲ টাকার উপরে কোনও শাস্তির ব্যবস্থা যদি করা হয় তাহলে সত্যিই অন্যায় করা হবে।

এই কারণে গভর্ণমেণ্টের তরফ থেকে আমি Mr Walker এর এই সংশোধনী প্রস্তাবেরও বিরোধিতা করছি।

The motion of Mr J R Walker that in paragraph (*b*) of clause 11, line 2, for the word "four" the word "six" be substituted, was then put and lost

The motion of Mr J R Walker that in the last sentence of clause 11, for the word "ten" the word "twenty-five" be substituted, was then put and lost

The question that clause 11 do stand part of the Bill was then put and agreed to

Clause 12

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to

Clause 14

The question that clause 14 do stand part of the Bill was then put and agreed to

Clause 15.

The question that clause 15 do stand part of the Bill was then put and agreed to

Clause 16

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri KALIPADA MOOKERJEE: Sir, I beg to move that the West Bengal Maternity Benefit (Tea Estates) Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to

The West Bengal Undesirable Advertisements (Control) Bill, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the West Bengal Undesirable Advertisements (Control) Bill, 1948

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the West Bengal Undesirable Advertisements (Control) Bill, 1948, be taken into consideration

Sir, in moving the consideration of this Bill I desire to point out to you the necessity which the Government have felt to prevent advertisements of various types which are not helpful to the public but which delude the public and make them victims of various diseases as a result of so-called treatment instead of curing them of the diseases. This matter, Sir, has been very thoroughly worked out at the Bhore Committee which were concerned with the health survey of the whole of India, and they came to the unanimous conclusion that while not preventing proper reliable information from reaching the people who are affected and who suffer, there should be some bar put forward so that undesirable advertisements of various types may not be in vogue

The Statement of Objects and Reasons says: Undesirable and objectionable advertisements relating to contraceptives and to alleged cures for venereal diseases, sexual disorders and conditions peculiar to women issued by unqualified medical practitioners and quacks are doing considerable harm to the public by luring them to use medicines and appliances which are injurious and even dangerous to health. The control of such advertisements is desirable for safeguarding the public health. The Bill seeks to control such advertisements by making it penal for a person to make, print or publish such advertisements without the previous sanction of such person or persons as may be appointed by the Provincial Government in this behalf. *bona fide* medical treatises and advertisements sent confidentially to a medical practitioner or to a wholesale or retail chemist for the purpose of his business being exempted from the operations of this Bill. The Bill, however, does not contemplate prohibition or discouragement of the use of scientific and safe contraceptives

Sir, there is one amendment which has been put in by my friend Mr. Walker which I will gladly accept in order to save time and which adds, any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940, or any rules made thereunder, be inserted after sub-clause (c) of clause 6 of the Bill

Janab MD. KHUDA BUKHSH: On a point of order, Sir. The Hon'ble Chief Minister has accepted an amendment in advance. The amendment has not been moved. Sir, the procedure lays down that an amendment, before it is formally moved by mover, cannot be taken notice of by the House. Sir, it is only a printed paper which we have got. The amendment may or may not ultimately be moved and the amendment has been accepted in advance by the Hon'ble Chief Minister. I want your ruling as to whether the Chief Minister has been in order to do that.

Mr. SPEAKER: Unless an amendment is moved there can be no acceptance. It is quite obvious. But while he is moving for consideration if he opens his mind as to what he intends to do, he is quite entitled to do that.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I am only asking this gentleman, when he becomes old like me whether he wishes to stand up three times for the same purpose

The motion of the Hon'ble Dr Bidhan Chandra Roy that the West Bengal Undesirable Advertisements (Control) Bill, 1948, be taken into consideration was then put and agreed to

Clause 1

The question that clause 1 do stand part of the Bill was then put and agreed to

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to

Clause 3

The question that clause 3 do stand part of the Bill was then put and agreed to

Clause 4

The question that clause 4 do stand part of the Bill was then put and agreed to

Clause 5

The question that clause 5 do stand part of the Bill was then put and agreed to

Clause 6

Mr. C. E. CLARKE: Mr Speaker, Sir, on behalf of my colleague and on my behalf——

Mr. SPEAKER: Order please You please move on your behalf

Mr. C. E. CLARKE: All right, Sir I beg to move that after paragraph (*c*) of clause 6 the following new paragraph be inserted, namely:—

"(*d*) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940, or any rules made thereunder"

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I have already accepted the amendment

The motion of Mr C. E Clarke that after paragraph (*c*) of clause 6 the following new paragraph be inserted, namely:-

"or (*d*) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940, or any rules made thereunder."

was then put and agreed to.

The question that clause 6 as amended do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Preamble

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the West Bengal Undesirable Advertisements (Control) Bill, 1948, as settled in the Assembly, be passed.

Janab MD. KHUDA BUKHSH: Sir, we are thankful to our doctor Chief Minister for having brought in this bold and extremely necessary piece of legislation which was perhaps long overdue. Ours is the only country where anybody at all, any quack, any nature-cure specialist, any health hall or any massage hall or a clinic can or does treat the venereal diseases enumerated in the statement of objects and reasons. Sir, these enemies of society, by an assiduous propagation of lies and deceit, lure the unwary into their clutches and do them incalculable harm. These enemies of society actively frustrate the efforts of Government in tackling the venereal diseases. Sir, this legislation is a very bold and right step in the right direction, but legislation is not enough. Government will have to—the Hon'ble the Chief Minister being an eminent physician—try and educate the masses and they will have to cure any myth or superstition. Sir, we still think that our venereal diseases (laughter) are due perhaps to [The Hon'ble Dr. BIDHAN CHANDRA ROY: Your venereal diseases? (Laughter)] our having incurred the displeasure of some god or other. There is illiteracy and ignorance everywhere. So we shall have to tackle this problem on all fronts and then having passed this piece of legislation——

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Are you speaking on behalf of the Opposition?

Janab MD. KHUDA BUKHSH: When I am supporting this legislation I am not speaking on behalf of the Opposition only. I am in fact speaking on behalf of Government, of everybody. Our venereal diseases (renewed laughter) have been the bane of society. Sir, we shall have to tackle this disease on all fronts, educate the masses and secure the co-operation of the medical profession. After having done so, we shall have to turn our attention to those places apart from brothels that have become regular incubators of venereal diseases in Calcutta. Sir, I have had occasions earlier to call the attention, pointed attention, of the House to those places—nature-cure homes, clinics, health halls, etc. Sometimes they are attended by physicians of shady reputation. I have had an occasion earlier to cast aspersions on the behaviour and conduct of some members of the medical profession. I am under the necessity of doing so again. Some of them are certainly of a shady character and their conduct is reprehensible. Sir, they will have to be rounded up, they will have to be brought into line with the policy of Government.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Under the Security Act? This is only advertisement. I cannot bring them except under the Security Act.

Janab MD. KHUDA BUKHSH: Can you rope them in under the Security Act?

The Hon'ble Dr. BIDHAN CHANDRA ROY: Yes; they are a danger to the society.

Janab MD. KHUDA BUKHSH: In that case this is the one thing that can be spoken of in favour of the Security Bill.

Coming to the contraceptives (laughter), I do not know why the words "contraceptives" and "venereal diseases" should evoke laughter in the Government benches. Perhaps they know better about contraceptives and venereal diseases than I do. When I said "our venereal diseases" they felt amused and burst into roars of laughter. I do not know if they are very touchy. Possibly when I said "our venereal diseases" it was taken as a kind of transferred epithet.

Anyhow, coming to contraceptives again, the public will have to be educated. The Bill very wisely said in the statement of objects and reasons that judicious and wise use of contraceptives will not be discouraged. The time has come perhaps when we shall have to encourage judicious and wise use of contraceptives. Sir, with the cost of living index increasing, with all the complexities of modern living, we shall have to educate the public to the wise use of contraceptives. Again, in this matter the Chief Minister will have to secure the co-operation of the medical profession. A policy will have to be laid down whereby we shall inculcate these theories and translate them into practice with the help of the medical profession.

Sir, with these words I support the Bill.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal Undesirable Advertisements (Control) Bill, 1948, as settled in the Assembly be passed was then put and agreed to.

The Calcutta and Suburban Police (Amendment) Bill, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the Calcutta and Suburban Police (Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1948, be taken into consideration.

Sir, the objects and reasons are given very clearly in the Bill which I have the honour to present to the House. It is to regulate traffic. There is no provision at the present moment in either of the existing Acts to prohibit any unsuitable type of vehicles on the road. In order to prevent such vehicles, e.g., cycle rickshaws, which may be a danger to other traffic, from coming on to the roads of Calcutta, this Bill has been drafted which aims at making provision for the banning of any such vehicles.

With these words I move that the matter be taken into consideration.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the Calcutta and Suburban Police (Amendment) Bill, 1948, be taken into consideration was put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1948, as settled in the Assembly be passed.

The motion was put and agreed to.

The Calcutta Hackney Carriage (Amendment) Bill, 1948.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg leave to introduce the Calcutta Hackney Carriage (Amendment) Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the Calcutta Hackney Carriage (Amendment) Bill, 1948, be taken into consideration.

In doing so I can only refer to the Statement of Objects and Reasons which has been attached to the Bill. It says that at present there is no control over cycle rickshaws which are appearing in increasing numbers in the suburbs of Calcutta and in the mofussil towns because the cycle rickshaws do not come within the definition of the word "rickshaw" under the Calcutta Hackney Carriage Act of 1919 which has been extended to other municipal areas. In order that some control may be exercised over the use of cycle rickshaws and also to enable the municipal authorities to levy a tax on them, it is necessary to amend the Calcutta Hackney Carriage Act, 1919 (Bengal Act I of 1919). The Bill has been drafted which aims at making the necessary provision. Many municipal authorities have approached me that the word "cycle rickshaw" does not appear in that Act and therefore they cannot levy any licence fee on those people who own such rickshaws and therefore in order to clear that point up we have introduced this Bill.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the Calcutta Hackney Carriage (Amendment) Bill, 1948, be taken into consideration was put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the Calcutta Hackney Carriage (Amendment) Bill, 1948, as settled in the Assembly, be passed.

The motion was put and agreed to.

Adjournment.

The House was then adjourned at 6-4 p.m. till 3-30 p.m. on Thursday, the 9th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 9th September, 1948, at 3-30 p.m.

Present:

Mr Speaker (the Hon'ble SRI ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 51 members

Point of privilege.

Sri JYOTI BASU: On a point of privilege, Sir. Do you know, Sir, as to why a large camp has been set up just outside the Assembly House? We find a lot of policemen there and mounted police also. Have you any knowledge as to why these policemen have been brought here? Is there a rebellion?

Mr. SPEAKER: Well, they are all outside the compound

School and College strike.

Janab MD. KHUDA BUKHSH: Sir, we have received information that the students of schools and colleges have gone on strike Will you request the Leader of the House to make a statement on the subject?

Mr. SPEAKER: I have no objection if the Government side wishes to make a statement.

GOVERNMENT BILL.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Bill, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to introduce the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Bill, 1948

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Bill, 1948, be taken into consideration.

Sir, in moving this motion I need hardly make a speech. The objects are made clear in the Statement of Objects and Reasons It is unfortunate that a comprehensive bill about the non-agricultural tenants could not be passed by this House up till now and we hope to pass that measure in the coming session of the Assembly or in the session next. In the meantime this Bill has to be brought before the House to extend the life of the Ordinance which was enacted to continue the old temporary provisions Act which was due to expire on the 29th May, 1948. The Ordinance extended the life of the temporary Act by another year, and this Bill seeks to enact that Ordinance in the form of an Act.

Mr. J. R. WALKER: Mr Speaker, Sir, I am rising on this motion to take this Bill into consideration not in a spirit of criticism of the principles which the Bill is intended to hold. I am wholeheartedly in favour of providing protection to non-agricultural tenants similar to that provided for agriculturists by the Tenancy Act. I am glad to have the assurance of the Minister that more comprehensive legislation will be introduced as soon

as possible to put the defects of this Bill right. I won't say more, having had an assurance of the Minister that he intends to put proper legislation before the House as soon as possible.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Bill, 1948, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

Mr. SPEAKER: The amendment of Sri J. C. Gupta is out of order.

The Hon'ble Sri BIMAL CHANDRA SINHA: May I, Sir, with your permission make a short statement here on the objects of the amendment of Sri J. C. Gupta.

Mr. SPEAKER: But that is out of order.

Sri J. C. GUPTA: Mr. Speaker, Sir, I am not arguing that point in view of the statement that the Hon'ble Minister is going to make.

Janab MD. KHUDA BUKHSH: On a point of order, Sir. An amendment was tabled by a honourable member of the House, and that has been ruled out of order by you, Sir. Would it, therefore, be in order for the Minister to speak on that amendment?

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, as you ruled the amendment out of order, I was not going to speak on the amendment of Sri J. C. Gupta, but I was going to speak on the clause itself when this unfortunate disorder in the House took place.

Mr. SPEAKER: If the Hon'ble Minister desires to speak on the clause itself, he can do so.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I may make a statement here that members have often expressed the opinion that the provisions of this temporary Act should be extended to the *tikka* tenants of Howrah and Calcutta. I do not know why the Muslim League Ministry excluded the *tikka* tenants of Calcutta and Howrah from the purview of this Act. But the Congress Government is alive to the difficulties and sufferings of the *tikka* tenants of Howrah and Calcutta. Therefore I may make a statement here that Government are collecting figures about the evictions and ejections that are going on and Government have decided to give them legislative protection at the earliest possible opportunity. Therefore, with a view to stopping these evictions Government have decided to bring a short Bill staying evictions in this session or at the earliest possible opportunity. And I may make it clear at this stage that as soon as opportunity occurs, Government will bring a comprehensive measure so that the status of these people may be well-defined and protection may be given to those who deserve it and protection may not be given to those who really do not deserve it. I might also advise landlords to go slow in this matter and not precipitate a crisis for if they want to precipitate a crisis Government will be forced to take drastic action if and when such a situation arises.

Mr. SPEAKER: So far as the amendment of Sri J. C. Gupta is concerned, I have already ruled it out of order.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to

Preamble

The question that the Preamble do stand part of the Bill was then put and agreed to

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Bill, 1948, as settled in the Assembly, be passed.

The motion was then put and agreed to

Special motion under rule 85 of the West Bengal Legislative Assembly Procedure Rules on the Draft Constitution.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I have the honour to move the following resolution for the consideration of this Assembly, namely, "That this Assembly takes into consideration the draft of the New Constitution of India as settled by the Drafting Committee appointed by the resolution of the Constituent Assembly, dated August 29, 1947, and recommends that the proceedings be forwarded to the President of the Constituent Assembly."

Sir, my desire is and my suggestion would be that for two days, today and tomorrow, all of us might take part in the discussion of the various provisions of the Draft Constitution and a report of the proceedings and speeches might be sent over to the President of the Assembly for his consideration. But I also suggest that if in the course of our discussion a certain point of view arises which may be crystallised in the form of a resolution which could be passed in the Assembly and placed before the President, it might be desirable to do so because the President would then know that apart from the general discussions that had taken place with regard to the Draft Constitution, there has been also some definite recommendation from this Assembly, particularly in those matters in which this province might be interested so far as the Draft Constitution is concerned. Therefore, Sir, with your permission and the permission of the House I would suggest that we might have free and frank discussion on the provisions of the Draft Constitution and then we can see how we can arrive, if possible, at some resolution which would be useful to be placed before the President.

Sir, it is popularly said that on the 15th August this country obtained independence. Have we paused to find out what is the concept of the word "independence"? To my mind, the word "independence" really means that on and from the 15th August we ceased to be dependent upon any authority outside the country or any person who is not a national of this country to direct our activities, supervise and control our ideals or even to lay down principles which should be followed by us. From that day we have realised that we have become independent. We have become independent so that we might realise what our goal and destiny is. Our great leader Deshbandhu Chittaranjan Das said in his memorable speech at Faridpur that the ideal of an individual in this country should be self-realisation, self-development, self-fulfilment. That probably constitutes in three words the totality of our approach to the subject that we are discussing today. In the administration of this country we have ceased to depend upon any group of people outside our territory. But we must pause and find out what is our destiny. We should find out what our goal is. Without such realisation of the objective, it would be impossible for us to take measures for the development of the country. When we have realised our goal and developed our country in the way it should be, then only shall we fulfil our destiny. History tells us that during the course of centuries various civilisations have grown and influenced minds of the world—the Babylonians, the Scythians, the Syrians, the Egyptians, the Romans and the Greeks—but where are they? Why is it that India is still alive and why is it that India for the past thousands of years has spread its own culture and ideals, sometimes vigorously and at other times silently, but consistently she has served in her own way the whole world. Even during the last 25 years, Mahatma Gandhi's genius had outlined and pointed to the world at large and practised in this country the method of obtaining independence without a war, without the devastations which are associated with the war and without all the implications which mean blood-shed and violence. These are lessons which the world has learnt from the great master and, in my opinion, for this purpose this land has continued to exist and to grow. But the time has now come when we should lay down our future lines of conduct of corporate life to develop our resources physically, mentally and spiritually and to distribute them throughout the world, whether it be the East or the West, the North or the South.

Some people seem to think that with independence we have become independent of all laws—laws of nature, laws of cause and action, laws of supply and demand, laws governing mutual relationship among nationals of a country, laws which should prevail in the international sphere, laws which govern decorum and decency in public life and laws which ensure good feelings, mutual tolerance and adjustments in the affairs of our daily life.

They think that a person who received a salary of Rs. 30 before the 15th of August should after achieving independence get Rs. 300 per month; that all the necessaries of life should be made available at once in sufficient quantities and at a minimum cost; that it should be possible for everyone of us to earn more and to work less under a scheme of independence; that it is only by creating a disturbance and anarchy can we suitably demonstrate to the world that we have become independent; that intolerance and unscrupulousness should be our watchword if we are to justify our independence. They forget that liberty is not licence, that liberty has its advantages but also its cares and responsibilities; that civic society postulates restriction of personal freedom which people should submit to in order to achieve collective good and collective freedom; that the laws of jungle cannot operate in civilised life. They overlook the fact that to obtain freedom is an easier task than to retain it, that in order to retain it we must decide upon the goal to be achieved and the ideal to be reached and the plan of action to be followed. For that purpose the Constituent Assembly and the various committees appointed by it arrived at some general decisions and appointed a Drafting Committee on the 29th of August 1947 to draw up a new Constitution for India for the consideration

of the Assembly. The preamble to this Draft Constitution gives the objective resolutions adopted by the Constituent Assembly in January 1948 which declares that India is to be a Sovereign Independent Republic. The question of the relationship between this Democratic Republic and the British Commonwealth of Nations remains to be decided subsequently. This means that while the ideal of the people of India is to constitute India into a Republic, it should be run on democratic lines and it should be free from all interference from any outside authority; that because it is an independent Republic it means that this Republic will be free to associate with any country or countries outside on terms and conditions to be agreed upon as are suitable and honourable to all parties concerned. The preamble gives the ideal which is to be achieved by the Republic and it secures to all its citizens justice—social, economic, and political—liberty of thought, expression, belief, faith and worship, equality of status and of opportunity, and to promote among them all, fraternity assuring the dignity of the individual and the unity of the Nation. It is a good thing that in the preamble the Drafting Committee has added the word "fraternity", because it is only through concord and goodwill in India that we can achieve our destiny and perhaps the need for fraternity and concord and goodwill has never been greater than at the present moment. This Republic will be a union of States—States which have been divided into several categories and which have some distinctive features of their own. They correspond on the one hand to the Governor's Provinces, Chief Commissioner's Provinces and Indian States. Although the scheme which has been drawn up by the Drafting Committee is federal in structure, the State has been described as a Union which psychologically has an advantage. In this Draft Constitution for the first time in the history of India the question of citizenship of the Union has been defined. Ordinarily it is an accepted principle that a person can be a citizen of a particular country only through descent or domicile in that territory. The question has arisen whether it will be wise to give to such persons who have no such connection with the territory of India the right of citizenship if they only swear allegiance to the Union. Under certain circumstances particularly if other countries follow the same rule, it may cause confusion; and at the same time the Drafting Committee felt that it was not possible to ignore the requirements of a large number of persons who have been displaced from another Dominion and forced to come to the Indian Dominion within recent years and for that a new scheme has been proposed. The Drafting Committee has laid down certain fundamental rights of citizens—rights of equality, rights relating to religion, rights regarding cultural and educational development, rights to property, rights to constitutional remedies, etc. These are essential to enunciate and it is necessary to do so in order that people may be clear in their minds as to what the views of the Indian Union are with regard to these rights and how they may be protected.

Part IV of the Draft Constitution lays down the directive principle of State policy. It is perhaps not usual to put them in a Draft Constitution, but we are a new Union we feel that the principle which should guide the policy of the State with regard to all matters inside the Union or relating to international sphere should be laid down clearly. The members must have read the directive part of the suggestions of the Draft Committee regarding the powers of the President, the powers of the Governor, the appointment of the President, the appointment of the Governor, allocation of the executive and legislative powers as between the States of different types and the Central Legislature. In the opinion of the Constituent Assembly and in the opinion of the Drafting Committee the residuary power is to be vested in the Government of India and although some legislative powers are left to be exercised by the State under certain exceptions, that is to say, when it is of national importance or under emergencies, the Central Parliament might legislate with regard to those subjects which are in the State list.

The detailed scheme for the administration of the country is given in the various sections of the Draft Constitution and I am sure my friends in this Assembly will refer to one or the other of these sections. I have only referred to the broad scheme of the Draft Constitution. I should, before concluding, refer to the provisions for the safeguard of minorities. This is a question which should receive serious consideration from all who are interested in the development of this country, but what shape this safeguard should take in future, whether there should be any safeguard at all or not are matters which require further scrutiny in the Central Legislature.

The whole subject is now open for discussion and it is desirable that all persons who have thought about this Constitution would give their considered opinion, so that the proceedings may be sent to the President of the Constituent Assembly for his consideration. (APPLAUSE.)

Janab ABUL HASHEM: The Hon'ble Dr. Roy in his opening told us that only two days are going to be allotted for discussion of the Draft Constitution, namely, today and tomorrow.

The Hon'ble Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. I have no right to allot any number of days. It is for the Speaker to do so. I have only suggested that today and tomorrow we might profitably discuss the general outlines of the constitution.

Janab ABUL HASHEM: Anyway we are glad to hear that. If really any seriousness is to be attached to this discussion two days are not sufficient. At least four days are necessary. Though even four days are not sufficient, but in consideration of the value of time of the Hon'ble Ministers and others in their everyday business in the matter of administration we think that at least four days should be allotted to this subject if we are really serious in discussing the Draft Constitution and in coming to certain conclusions. It is proposed that apart from the general discussion and the speeches concrete opinions should be expressed by the House in the form of a resolution.

In that case notice of resolutions would have to be given. Amendments, if any, will have to be invited. So we would request you kindly to consult Government and tell us the actual procedure under which the whole thing will be discussed and settled in the Assembly.

The Hon'ble Dr. BIDHAN CHANDRA ROY: If the members feel that they would like more days to be devoted to this discussion we shall have no objection. Personally I do not know exactly how many would like to take part in this discussion. If the members feel that they can go on for four days we have no objection. Of course four days were originally allotted for this discussion. Personally I have no objection to four days' discussion and I say this on behalf of the Government.

Mr. SPEAKER: So far as the period of the debate is concerned I shall be obliged if I can get a list of the members who wish to take part in this discussion. For the time being, however, it will be better if we confine it for three days and if necessary we can extend it by one day more. When I do not know how many are going to take part in this discussion and what time will be taken I cannot offhand fix four days for this purpose without finding out whether there will be full work on all the four days. It may be that there is no work at all on the fourth day regarding this subject.

Janab MD. KHUDA BUKHSH: I have a very humble suggestion to offer in this behalf. Very important things regarding safeguards for minorities which are there in the Draft Constitution will have to be said. Sir, we are minorities in the Indian Union. Of course it will not be my opinion alone or any other individual member's opinion alone that will matter in this House. The minority groups in this House should, I think,

sit together for a day and discuss the provisions of the Draft Constitution and come to definite conclusions whether we would or we would not like the safeguards embodied in the Draft Constitution. For that reason, Sir, I would request you to adjourn the House for a day, at least give the Muslim members of the Opposition one day's time to sit together, to debate the provisions of the Draft Constitution and come to concrete resolutions so that the spokesmen of the minorities, whoever he or they may be, may be able to speak on the floor of this House on behalf of the minority communities of Bengal as a whole.

The Hon'ble Dr. BIDHAN CHANDRA ROY: May I make a suggestion with reference to what the honourable member said just now. My suggestion is that we make a beginning so that today and tomorrow we might read out or speak out all the speeches that we have committed to memory lest we might forget them later on. On Saturday there is no Assembly I understand. If that be so the minority groups may meet on Saturday and, if possible, on Sunday, too, and bring forward concrete resolutions if they so choose on Monday. We, on our side, also propose to do the same. If our Party thinks that there are certain concrete proposals to make we shall bring them and also give due notice of them. Probably we may give notice of such on Saturday so that the members may consider these amendments and, if necessary, discuss them on Monday. If necessary, they may go on discussing them till Tuesday also. But what I say is—Why should we adjourn today? You have Saturday and Sunday, two days that are holidays, in which you can meet and discuss. As I said my plea is only on behalf of those who might have committed to memory certain speeches, members like me (LAUGHTER), and who might like to deliver them today or tomorrow which they might forget by Saturday if the House is adjourned now.

Sri JYOTI BASU: I am afraid there is a misconception. As far as I was concerned I thought that today the Draft Constitution would be placed before us by the Hon'ble the Chief Minister and thereafter the procedure would be explained to us so that we can come back prepared tomorrow either with amendments or with just general speeches and so on. But now the Hon'ble the Chief Minister has told us about a procedure which he just now suggested. Will you, Sir, make it clear to us as to what exactly we should do in the way of preparing resolutions or suggestions or amendments to the Constitution Act, if it is at all possible.

Mr. SPEAKER: Well, so far as I have been able to understand, the procedure is that today and tomorrow will be devoted to a general discussion of the Draft Constitution. Thereafter, if the Government Party or any other Party or members wish to move concrete resolutions let them give notice of such resolutions on Saturday and let them be discussed on the floor of the House on Monday. If necessary, the discussion may continue till Tuesday. That, I believe, is the suggestion which ought to carry weight with the House.

Janab ABUL HASHEM: Mr. Speaker, Sir, the Hon'ble Premier in his goodness has satisfied us by giving two clear days' time to sit down, contemplate and then come to certain decisions and then to place our resolutions before the House. I think that is the right procedure because we cannot give you resolutions unless our minds are settled and we are in a position to speak on behalf of the Muslims of Bengal as a whole as my friend Janab Khuda Bukhsh has suggested. So, if you demand resolutions from us on Saturday that purpose will be defeated by postponing the debate till after Sunday. Now, Sir, as to the general discussion, if we enter into a general discussion, then even, in our talks, we will have to follow a certain line. We cannot talk as we like, according to our whims. Our speeches even on the general discussion will be a sort of commitment and we must be consistent so far as commitments

are concerned. So we feel we shall not be able to enter into a general discussion before settling our mind. Therefore, we would request you to accept Dr. Roy's suggestion. If the Government Benches are already prepared and if they have settled things in their Party meetings they may deliver as many speeches as possible and we are prepared to listen very carefully and to profit by them. So far as we are concerned, we want to place the resolutions first and then speak after Sunday when we meet on Monday, and the resolutions will be tabled on Monday formally. I think Dr Roy's suggestion should be accepted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I am afraid there is a misconception No one is under an obligation to move a resolution, but one may move a resolution if he so desires The Draft Constitution has been produced by the Committee of the Constituent Assembly which will ultimately adopt it Here we have got an opportunity of expressing our views The Draft Constitution has been made public for a considerable time past now and, therefore, it is presumed that everybody must have, whoever is interested, noted the various points on which some opinion may have to be expressed and now that along with other business we have got an opportunity before this House it is best that the general discussion continues and if any one can think of any resolution or would like to stress any particular point he can do so by way of a resolution. The procedure takes after the procedure of the budget discussion, Sir. Now, the budget is there but of course the budget is not published beforehand, the budget is placed and then we get a short adjournment. Contrary to that the Draft Constitution has been made available to the public and to everybody for a long time and it is presumed that everybody knows about it so that now they can straightway proceed with the general discussion if anybody has got anything to say at all within the time limited for the purpose, namely, two or three days Within this time one can make up his mind as to what resolution he would like to move and if such resolutions are accepted on the floor of this House then they will be forwarded to the President of the Constituent Assembly as recommendations of this House. Of course it goes without saying that there may be various points which may crop up So, there may be a composite resolution covering many points on the same subject One can frame one's resolution in as many ways as one likes Personally I do not see any possible objection to our proceeding straightway with the general discussion and later on move resolutions, if necessary, just as we moved definite motions in a budget discussion In budget discussion it is the Government's responsibility to pilot the budget Unlike that in this particular discussion it is equally the interest and responsibility of members of all sections of the House. If they have got any points to make they can formulate resolutions covering them and introduce those in the House and if they are acceptable to the House then they will be forwarded to the Centre in the form of resolutions. That is the clear procedure. I hardly think there ought to be any confusion about it or any difficulty in proceeding with the discussion as the Hon'ble Premier has suggested.

Sri BIMAL COMAR CHOSE: On a point of order, Sir. The Hon'ble the Judicial Minister has suggested that members might forward resolutions on points on which they want to formulate their opinion. I am not quite clear in my mind about the procedure to be followed in this case. Now there is a resolution before the House. What I could follow from the Hon'ble the Premier's statement was that some procedure would be devised by which some of our recommendations might be forwarded to the President of the Constituent Assembly. But now it is an open invitation to members to forward resolutions. Lest there should be a misunderstanding on that point, I think there should be a clear indication as to whether it would be possible for members to table resolutions bearing on certain points.

The Hon'ble Sri BIMAL CHANDRA SINHA: May I, Sir, make the point made by the Judicial Minister clear? The procedure is easy in this matter. A resolution has been moved, and if certain decisions are taken, there might be certain amendments. The resolution suggests that this Assembly take into consideration the draft of the New Constitution of India, and the House might suggest certain amendments if it is necessary to add such amendments later in the light of the discussions that may take place in the House.

Sri BIMAL COMAR GHOSE: On a point of information, Sir, the resolution will be forwarded to the President of the Constituent Assembly. Now, if an amendment is moved, will that also be taken into consideration by the House in the form of a resolution?

The Hon'ble Dr. BIDHAN CHANDRA ROY: May I explain the reason why I made the suggestion? Initially I assumed most of the members have already read the Draft Constitution and were conversant with the main provisions. There are some provisions about which there may be some dispute or difference of opinion, but there are other provisions to which we might agree, but on which people may hold opinion which they want to express. My feeling was that if people began to discuss a certain thing, on certain points illumination and inspiration may urge some particular person to suggest that there should be a resolution in a particular form on those points and that such a resolution should be placed before the House. I do not think that my resolution is not capable of any amendment. My resolution was simply for the purpose of initiating a discussion. If any particular person or group of persons want to put in either today or tomorrow any resolution that they may have in mind, they can do so. My resolution that it should be sent to the Constituent Assembly is there, but what I suggested was that besides the speeches which might be sent to the President of the Constituent Assembly which might be looked into by the President or might not be looked into because they would be voluminous and vast, there may be some concrete suggestions which might evolve out of our discussion. In this case the Assembly, as it were, goes into a sort of a committee for discussing this question and eventually you might arrive at a conclusion. You may or you may not. The resolution that I have moved would be a resolution *suo motu*. There would not be an amendment to this resolution. This resolution is complete in itself, but all the proceedings and the speeches will be forwarded. I feel, however, that it may be desirable to put before the President of the Constituent Assembly some of the concrete suggestions, if possible, which would express the desire of this Assembly and which might be given consideration and effect to by the President and which would have greater effect than the speeches and proceedings of this House.

Mr. SPEAKER: I have heard the suggestion of all the parties. I think the suggestion I am going to make would satisfy all. I say that today and to morrow be fixed for general discussion on the provisions of this Draft Constitution. It appears you are not quite sure as to whether you will at all move any motion to be forwarded to the Constituent Assembly in the shape of a resolution because that will carry much more weight than a mere discussion. The general discussion will serve the purpose of acquainting the Constituent Assembly of what the members have in mind without any commitment of the whole House. But if the members after general discussion feel that a resolution is necessary, then it would be for the House to consider whether that resolution, if admissible, can be discussed, and that discussion will take place on Monday.

With regard to time the best course is to send the resolutions by Saturday, if possible. But if there be any inconvenience to any party, they may hand it over to us by 11 a.m. on Monday, and that will be circulated on that day. If the House thinks that it cannot discuss the resolutions on Monday, they will be discussed on the next day.

Janab ABUL HASHEM: We want to ascertain from the Government through you, Sir, one important thing. Since the Hon'ble Premier also feels that protection to minorities' rights and interests is one of the most important features of the Constitution, I would like to know from the Government through you, Sir, as to whether apart from the opinion of the entire House any opinion expressed by the minorities themselves as a minority opinion would be sent to the President of the Constituent Assembly.

Mr. SPEAKER: The whole proceedings will be sent to the Constituent Assembly.

Janab ABUL HASHEM: I am not concerned with the resolution adopted by the House as a whole, but I want to know whether any minority opinion with particular reference to minority protection will be sent by the Government.

The Hon'ble Dr. BIDHAN CHANDR ROY: How can that be?

Janab ABUL HASHEM: I find that even in Select Committee meetings the minority opinion is expressed and as a minority opinion it is published and forwarded. I want to know whether any such minority opinion will be forwarded to the Constituent Assembly in addition to the opinion of the entire House.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I think my friend is suffering from a slight amount of confusion. If any decision is to go in the name of the Assembly it must have the imprimatur of the Assembly as such, that is, the majority of the Assembly. If, however, the minority want to send their own views directly to the President they can do so but not on behalf of the Assembly. I can tell you this much that the proceedings of the House containing all your speeches will be sent to the Constituent Assembly.

Janab MD. KHUDA BUKHSH: Sir, the Hon'ble the Leader of the House has said that in discussing the Draft Constitution the whole House as it were, were to be turned into a committee.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I did not suggest that. I said, the whole House as it were.

Janab MD. KHUDA BUKHSH: He did not suggest that it should be turned into a committee but he said that the whole House as it were would be turned into a committee. That lends support to the suggestion of Janab Abul Hashem that the views expressed by the minorities as such should be sent to the President of the Constituent Assembly as a distinct procedure for and on behalf of the minority. I suggest that could be done if the Chair so wants.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I think, Sir, he has again misunderstood me like my friend Mr. Abul Hashem. I did not say we are sitting in a committee where there is minority report and majority report. I simply said, we can exchange ideas and if, however, we come to a decision, that decision will be the decision of the whole House, and no decision can be taken group by group. Supposing, I say, X is the resolution by a particular group. If that is put before the House and the House rejects it, the rejection stands. But all the points and arguments which any particular group can put forward will be forwarded to the Constituent Assembly.

Mr. SPEAKER: So far as the resolutions are concerned, they will have to be passed by the House by a majority. That will be the resolution of the House. So far as the debate is concerned which starts today and goes on till tomorrow, it will be forwarded to the Constituent Assembly. I

want to know whether it is the intention of Government that the debate which will take place on the resolution on Monday or Tuesday will also be forwarded.

The Hon'ble Dr. BIDHAN CHANDRA ROY: They ought to go.

Mr. SPEAKER: In that case the position of the minority is clarified. If that debate is forwarded to the Constituent Assembly, the Constituent Assembly will certainly know what the minority want to have.

Dr. SURESH CHANDRA BANERJI: Mr. Speaker, Sir, the Drafting Committee has recommended that in the objective resolution which forms the preamble, for the words "Sovereign Independent Republic" the words "Sovereign Democratic Republic" be substituted. In my opinion the word "Independent" should remain. When in January, 1947, the Constituent Assembly passed the objective resolution with great applause every member of that Assembly thought in terms of complete independence. There is no reason why instead of complete independence we should now think in terms of Dominion. If we think India should be friendly to Great Britian, complete independence is no bar to such friendship. I would have been happy if before the word "Republic" the word "Socialistic" was added, because I sincerely believe that no country can be really happy, healthy and wealthy without socialism.

In Article 1 of the Draft, India has been described as a Union of States. This is a welcome change India now wants unity most, hence the word "Union" is preferable to Federation which certainly implies a good deal of looseness.

In Article 278, section 93 regime has been given a good-bye and Central Executive has been put in place of the State Executive and Central Legislature in place of State Legislature Considering that such a drastic step is to be taken only in case of grave emergency this is a welcome change

In the Draft Constitution the duration of the Union Parliament and State Legislatures has been extended from four to five years This change is welcome as longer term than four years is necessary to gain experience. The question of expense is also to be taken into consideration.

In Articles 292, 294 and 305 there are safeguards for minorities It has been stated that for them seats should be reserved in the Legislatures and posts in the public services. These safeguards are welcome for a definite period but I am definitely of opinion that after a certain period, say five years, all such reservations must go as such reservations are bound to prolong the feeling of communalism and will retard the growth of that spirit of nationalism which we now lack so much. After this period of five years there should be territorial constituencies, adult franchise, joint electorate and no reservation of posts. Public service should as far as possible be filled by competitive examinations. India is going to be a fully secular State. In Article 9 on Fundamental Rights it has been definitely stated that the State shall not discriminate against any citizen on grounds of religion, race, caste, sex or any one of them. In Article 10 it has been stated that there shall be equality of opportunity for all citizens in matters of employment under the State. After all these clear safeguards no further safeguard, I think, is necessary.

Sir, in this connection it should be clearly stated that after the attainment of independence our next objective is the establishment of Krishak-Proja-Mazdoor Raj. In such a Raj, as we envisage it, every one will have plenty of food to eat, plenty of cloth to wear, a good house to live in and sufficient facilities for education and treatment.

As to the emoluments to be paid to the President, Governors and other personnel of the Union and States, I am definitely of opinion that considering the poor condition of the common man in India no one however big

should be paid as emoluments more than Rs. 2,000 a month. Compared to the minimum income of Rs. 55 a month recommended in the Pay Commission's report, Rs. 2,000 a month is a fairly big amount. Dignity and prestige do not depend on the grandeur of the building one lives in or the largeness of the pay he draws but on the nature of the life he lives and the nature of service he renders to the State.

Sri HEMANTA KUMAR BASU: স্পীকার মহোদয়। ভারতবর্ষ বর্তমানে যে ক্ষমতা পেয়েছে এ ক্ষমতা——

Janab ABUL HASHEM: On a point of order, Sir. We have been told that the proceedings of this meeting will be sent to the Hon'ble President of the Constituent Assembly for his consideration. Since the Hon'ble President and the honourable members of the Assembly do not know Bengali I would like to know whether a translation of the Bengali speeches would be sent to them.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I understand that the President of the Assembly has got numerous advisers who know Bengali, Tamil, Telegu, Canarese, Marathi and all other languages.

Janab ABUL HASHEM: I want to know if Government will forward the translation of the speeches. Whether he has advisers or not I do not know. That is a different question. I would like to know whether Government will send translations of these Bengali speeches or not.

Sri J. C. GUPTA: The President of the Constituent Assembly, Sri Rajendra Prasad, was educated here as you may be aware, and I can speak from my personal knowledge. we were together at the Eden Hindu Hostel—he speaks Bengali as any other Bengalee and he understands it very well.

Janab ABUL HASHEM: It does not matter whether anybody understands Bengali or not. I have not got my answer. I want to know whether Government will send English translations of the Bengali speeches. There are so many members of the Constituent Assembly to whom these speeches will be sent and unless an English translation is handy to them it will be difficult for them to understand the real opinion of this House.

Mr. SPEAKER: So far as the debate of this House is concerned we cannot debar anybody from speaking in any language. The question is whether it will be translated or not. I believe it should be left to the Constituent Assembly because the Constituent Assembly possesses a staff to make the several languages intelligible to the members if they so desire.

Janab ABUL HASHEM: With due deference to you, Sir, it is not so much of interest to the Constituent Assembly to know our opinion as it is to our interest to give them our opinion. So in order to make matters easy whether we are going to send a translation.

The Hon'ble Dr. BIDHAN CHANDRA ROY: We have no funds to translate that.

Janab ABUL HASHEM: Better say that.

Sri HEMANTA KUMAR BASU: আমি এই হাউসে বেশ্বর হবার পরে যতদিন পর্যান্ত ভারতবর্ষের হাতে ক্ষমতা আসেনি, যতদিন পর্যান্ত আমরা স্বাধীনতা পাইনি ততদিন পর্যান্ত আমি ইংরাজীতে বক্তৃতা করেছি। বড়ই দুঃখের বিষয় যে ইংরাজীতে বক্তৃতা না করলে পর আমরা যা বলব তা নাকি আমাদের যাঁরা কেন্দ্রীয় গভর্ণমেণ্টে আছেন তাঁরা তা ভাল করে বুঝতে পারবেন না। এতে আমি মনে করি যে আমাদের দাসত্বের মনোভাব এখনও সম্পূর্ণ রয়েছে। আমাদের এই এসেম্বলিতে আজ স্বাধীনতা আসার পরেও আমাদের বাংলাদেশে বাংলা ভাষায়—আমাদের মাতৃভাষায়—কথা বলতে লজ্জাবোধ হচ্ছে। এটা আমি মনে করি যে ইংরাজ আমলের যে দাসত্বের মনোভাব এ সেই মনোভাবেরই পরিচয়। ভারতবর্ষের অন্যান্য জায়গায়—বিহারে

এবং অন্য অনেক জায়গায়—সমস্ত কাজকর্ম হিন্দীতে হচ্ছে। আমাদের এখানেও প্রস্তাব গ্রহণ করা হয়েছে যে বাংলায় বক্তৃতা হ'তে পারবে। ইংরাজীতে আমি বলতে পারি না তা নয়। আমার Oppositeএ যাঁরা ব'সে আছেন তাঁরা সকলেই বাংলাদেশের লোক। যে বাংলা ভাষায় রবীন্দ্রনাথ লিখে গেছেন—যে বাংলা ভাষায় বড় বড় শিক্ষিত লোকেরা লিখে গেছেন সেই বাংলা ভাষায় কথা বলতে লজ্জা বোধ করা উচিত নয়।

Janab ABUL HASHEM : On a point of personal explanation, Sir, আমি একথা একবারও বলিনি যে এখানে বাংলায় কথা বলা অপমানকর, যা আমার বন্ধুবর বলেছেন। আমি অনেকবার এখানে বাংলায় বলেছি। এখানে বাংলায় কথা না হ'লে দাসত্বের মনোভাব প্রকাশ পায় না। এখানে কথা হচ্ছে যে আমরা যা বলব তা কেন্দ্রে পাঠাতে হবে। আমরা বাংলায় বললে তার তর্জমা কোরে পাঠান হবে কিনা এই প্রশ্নই করা হয়েছে। বাংলা দেশে বাংলা ভাষায় বক্তৃতা করা যাবে কি না যাবে এটা অবান্তর কথা। তার সঙ্গে আমার বক্তব্যের সঙ্গে কোন সম্পর্ক নাই। বাংলা ভাষা ত আমাদেরও বটে; কাজেই সে প্রশ্ন ওঠে না।

Sri HEMANTA KUMAR BASU : দুঃখের বিষয় পৃথিবীব্যাপী যে সমস্ত নূতন নূতন আবিষ্কার হয়েছে বা যে সমস্ত সাহিত্য ও বিজ্ঞান প্রভৃতি সৃষ্টি হয়েছে সেই সকল আবিষ্কারক বা সাহিত্যিকের এবং বৈজ্ঞানিকের সমস্ত ভাষার সঙ্গে আমাদের সকলের পরিচয় নাই। জার্মাণ ভাষায় এক সময় বৈজ্ঞানিকেরা অনেক আবিষ্কারের কথা লিখেছিলেন, ফ্রান্স, আমেরিকা এবং ইংলণ্ডেও সেই রকম হয়েছিল। আমরা সকলে কি সেই সমস্ত ভাষার সঙ্গে পরিচিত? সে ভাষার তর্জমা পড়েই আমাদের অধিকাংশ লোক সে বৈজ্ঞানিক আবিষ্কার বা সাহিত্যের সহিত পরিচিত হয়।

Mr. SPEAKER: Order, order; Mr. Basu will please speak on the Draft Constitution.

Janab A. F. M. ABDUR RAHMAN: Sir, let us have discussion after the prayers.

Mr. SPEAKER: All right.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Sri HEMANTA KUMAR BASU : মিঃ স্পীকার মহোদয়, ১৫ই আগষ্ট ১৯৪৭ সালে ভারতবর্ষের হাতে যে ক্ষমতা এসেছে, এই ক্ষমতা হস্তান্তরের মধ্য দিয়ে এলেও যাঁরা ভারতবর্ষের স্বাধীনতার জন্য সংগ্রাম করেছেন, জীবন দান করেছেন, বহু নির্যাতন ভোগ করেছেন তাঁদেরই এই ত্যাগের উপরেতেই এবং ভারতবর্ষের ক্রমবর্দ্ধমান যে বৈপ্লবিক শক্তি, সেই শক্তির ফলেই আজ ভারতবর্ষের হাতে ক্ষমতা এসেছে। এই ক্ষমতার ফলে, আমাদের ভবিষ্যৎ রাষ্ট্রের যে শাসনপদ্ধতি হবে তা গড়বার পুরা ক্ষমতা আমাদের হাতে এসেছে। অনেকে বলেন যে আমরা এখনও নাকি পূর্ণ স্বাধীনতা পাইনি। তবে আমাদের যে Draft Constitution হবে, যেটা আমাদের Draft Committee তৈরী করছেন, সেই Constitutionএ আমাদের শাসনপদ্ধতি যা, তা তাঁরা লিপিবদ্ধ করেছেন (interruption from opposition members: আপনি সব বাংলায় বলুন, Constitution কি বাংলা কথা?)

অনেক আরবী কথা বাংলায় নেওয়া হয়েছে, বহু ইংরাজী কথাও বাংলায় ব্যবহার হয়ে থাকে, সুতরাং Constitution বললেই ক্ষতি নেই। (A voice : Constitution কথার বাংলা নেই, shame.) অনেক বিদেশী কথার বাংলা হয়েছে, এটারও হবে। যে শাসনপদ্ধতি তাঁরা রচনা করেছেন, সেই রচনার মধ্য দিয়ে বেশ পরিষ্কার বোঝা যাচ্ছে যে ভারতবর্ষ স্বাধীনতা পেয়েছে। এই শাসনতন্ত্রে আমাদের যে আদর্শ, ভারতবর্ষের সাধারণতন্ত্রের যে আদর্শ, তাতে পরিষ্কারভাবে বলা হয়েছে যে ভারতবর্ষের যে রাষ্ট্র হবে তা সম্পূর্ণ গণতান্ত্রিক, সাধারণতান্ত্রিক রাষ্ট্ররূপে পরিগণিত হবে। এই যে শাসনতন্ত্রের খসড়া আমরা পেয়েছি এর মধ্যে এটা অতি পরিষ্কার। এ বিষয়ে আমি বলতে চাই যে সাম্রাজ্যবাদী বৃটিশ যে ভারতবর্ষের উপর এতদিন শাসন করেছেন তাঁদের সঙ্গে আমাদের কি সম্পর্ক হবে। এ বিষয় নিয়ে কিছু কিছু মতভেদ আছে, আমার মত এ বিষয়ে অতি পরিষ্কার যে ভারতবর্ষে সম্পূর্ণ স্বাধীন গণতান্ত্রিক সাধারণতন্ত্র ঘোষণা করা উচিত। এখনও যে শাসনতন্ত্র চলছে, এই শাসনতন্ত্রের সহিত ইংরাজের এখনও যোগ আছে। কিন্তু যোগ থাকলেও যে শাসনতন্ত্রের খসড়া হয়েছে সেই খসড়া গ্রহণ করবার সময় পরিষ্কারভাবে বলে দিতে হবে যে আমরা আমাদের শাসনতন্ত্রে সম্পূর্ণভাবে স্বাধীন থাকবো।

কোন সাম্রাজ্যবাদী রাষ্ট্রের সঙ্গে এর যোগ থাকবে না, বা তার অন্তর্ভুক্ত থাকবে না। কারণ তা যদি আমরা রাখি তাহলে অসুবিধা হচ্ছে এই যে যদি একটা মহাযুদ্ধ বাধে এবং সেই যুদ্ধের সময় যদি আমাদের ইংরাজ সাম্রাজ্যের সঙ্গে যোগসূত্র থাকে তাহলে তাঁরা যদি কোন যুদ্ধনীতি গ্রহণ করেন তাহলে তার ফলে হয়ত আমাদের রাষ্ট্রকে খানিকটা জড়িয়ে পড়তে হবে। এটাও ঠিক যে কোন রাষ্ট্র আজ পৃথিবীতে, কোন যুদ্ধের সময় একলা দাঁড়িয়ে আত্মরক্ষা করতে পারে না। তাকে পৃথিবীর কোন না কোন শক্তির সঙ্গে যোগসূত্র স্থাপন করতে হয়। যুদ্ধের সময় দেখা যায় যে পৃথিবী দুই ভাগে, দুই দলে বিভক্ত হয়ে যায়, এবং ক্ষুদ্র ক্ষুদ্র যে সমস্ত শক্তি থাকে, তারা কোন না কোন শক্তিমান রাষ্ট্রের সঙ্গে সহযোগিতা করবার জন্য তাদের যোগসূত্র স্থাপন করতে বাধ্য হয়। যদিও আমরা দেখেছি গত মহাযুদ্ধের সময় Irish সাধারণতন্ত্র বৃটিশ Dominionএর অন্তর্ভুক্ত থাকলেও, তার পক্ষে সেই যুদ্ধে সম্পূর্ণ নিরপেক্ষ থাকা সম্ভবপর হয়েছিল, কিন্তু আন্তর্জাতিক পরিস্থিতিতে তাকে একবারে পৃথিবীর মধ্যে একলা হয়ে পড়তে হয়েছিল, এবং সে কোন বিবদমান দলের কাছ থেকে কোন প্রকার সাহায্য পায়নি। ভারতবর্ষ আজ যে ক্ষমতা পেয়েছে তাতে এখনও সে আত্মরক্ষার মত সম্পূর্ণ শক্তি সঞ্চয় করতে পারেনি। এটা ঠিক যে ভারতবর্ষে জনবল এবং ভারতের মধ্যে যে সমস্ত মূল অর্থনৈতিক সম্পদ আছে তার পরিবর্ধন সাধন করলে নিশ্চয়ই আমরা পৃথিবীর মধ্যে সর্বাপেক্ষা একটি শ্রেষ্ঠ শক্তি হিসাবে পরিগণিত হব, সে বিষয়ে সন্দেহ নাই। যে জার্মাণী তার সর্বগ্রাসী শক্তি নিয়ে সারা পৃথিবীর বিরুদ্ধে দাঁড়িয়েছিল, সেই জার্মাণীর কিভাবে অবসান ঘটেছে। কারণ, জার্মাণীকে শেষকালে একলা লড়তে হয়েছিল। এত বড় শক্তিশালী রাষ্ট্র একলা লড়ে দাঁড়াতে পারেনি। রাশিয়া যদিও একটি সমাজতান্ত্রিক রাষ্ট্র, কিন্তু রাশিয়া যদি গ্রাণ্ড ইংলণ্ড ও মার্কিনের সাহায্য না পেত তাহলে রাশিয়ার পক্ষে বাঁচা দায় হয়ে পড়ত। সুতরাং দিক থেকে ভারতবর্ষকে, বিশেষ করে এই শাসনতন্ত্র রচনা করবার সময়, তার এই রাষ্ট্রের আদর্শ নির্দ্ধারণ করবার সময়, তাকে বিশেষ করে ভাবতে হবে। যদি আমরা সম্পূর্ণ পৃথক একটা স্বাধীন রাষ্ট্রে পরিণত হই, তাহলে পরে ভারতবর্ষ, যদি পৃথিবী একটা মহাযুদ্ধে লিপ্ত হয়ে পড়ে, তখন তার স্বার্থের দিক থেকে কোন দিকে বা কোন দলে যোগ দেওয়া উচিত হবে সেটা ঠিক করতে পারবে। তার উপর ভিতর থেকে কোন প্রকার চাপ বা নৈতিক দায়িত্ব কোন রাষ্ট্রের সঙ্গে থাকবে না। আমি বলতে চাই যে আমাদের যে গণতান্ত্রিক শাসনতন্ত্র, সেই শাসনতন্ত্র যেন সম্পূর্ণ স্বাধীন হয়, সে যেন কোন ডোমিনিয়নের অন্তর্ভুক্ত না থাকে, সম্পূর্ণ স্বাধীন যেন সে হয়। পৃথিবীর বিভিন্ন উন্নত ও শক্তিশালী দেশে যে সমস্ত শাসনতন্ত্র আছে, সমস্ত শাসনতন্ত্রের যেগুলি ভাল ভাল অংশ, বিশেষ বিশেষ অংশ তা সমস্তই এই শাসনতন্ত্রে সংযোজিত করা হয়েছে। ভারতবর্ষ একটি ধর্মনিরপেক্ষ রাষ্ট্রে পরিণত হয়েছে এবং শাসনতন্ত্রের মধ্যে সেই নীতি আছে। সেই দিক থেকে ভারতবর্ষে যাঁরা থাকবেন তাঁদের যে ন্যায়সঙ্গত অধিকার তা সম্পূর্ণভাবে এই শাসনতন্ত্রের মধ্যে রক্ষার ব্যবস্থা হয়েছে।

আমাদের স্বাধীনতা লাভের পক্ষে অনেক অন্তরায় আমাদের দেশে ছিল। এক সাম্প্রদায়িকতা, তার ওপরেতে আমাদের সমাজের মধ্যে তথাকথিত অস্পৃশ্যতা। কংগ্রেস প্রথম থেকে বুঝেছিল যদি আমরা সব সম্প্রদায়কে একীভূত না করতে পারি তাহলে পরে বাস্তবিকই আমরা স্বাধীনতা লাভ করতে পারবো না। সেই আদর্শ সে আগেই গ্রহণ করেছে এবং সেই আদর্শের পথে সে সংগ্রাম করেছে ও তার জন্য অনেক নির্যাতন সে ভোগ করেছে। আজ শাসনতন্ত্রের মধ্যে ঠিক সেই আদর্শকেই সে বাস্তব রূপ দেবে। আজ ভারতবর্ষে যে রাষ্ট্র হবে সেই রাষ্ট্রের মধ্যে সম্প্রদায়গত হিসেবে বা শ্রেণীগত হিসেবে কোন বৈষম্য থাকবে না। আমাদের বর্তমান খসড়ার মধ্যে যে সমাজব্যবস্থা হবে, বর্তমানে যে সমাজব্যবস্থা আছে সেই সমাজব্যবস্থা কোটি কোটি দরিদ্র জনসাধারণের পক্ষে মঙ্গলকর বোধেই নয়, কাজেই আমাদের যে অর্থনৈতিক সমাজব্যবস্থা হবে সেই সমাজব্যবস্থায় যাতে জনসাধারণ সম্পূর্ণভাবে শোষণের হাত থেকে মুক্তি পায় সে দিক থেকে আমাদের এই শাসনতন্ত্রকে রচনা করতে হবে।

দেশের শতকরা ৯৫জন লোক দরিদ্র, তাদের মুখের দিকে চেয়ে মহাত্মা গান্ধী মৃত্যুর আগে বলেছিলেন—সব চেয়ে যে দরিদ্র লোক তোমাদের রাষ্ট্র পরিচালনা করবার সময় দেখবে তার মুখ। তার মুখ দেখলে বুঝতে পারবে যে বাস্তবিক শাসনটা কিভাবে চলছে। আমাদের constitutionএর মধ্যে আমরা সেই আদর্শের ইঙ্গিত দেখতে পাই। অনেকে হয়ত বলবেন—কই এক দিনেতে সমস্ত শোষণ বা শ্রেণীবৈষম্য ত শেষ হ'ল না? কিন্তু এই শাসনতন্ত্রের মধ্যে যে অর্থনৈতিক সমাজব্যবস্থার নিয়মের যে প্রস্তাব করা হয়েছে তাতে করে আমি বিশ্বাস করি যে ভারতবর্ষের কোটি কোটি লোক সামাজিক হোক, অর্থনৈতিক হোক যে চাপের মধ্যে তাঁরা আছেন বিশেষণের মধ্যে আছেন, তা থেকে তাঁরা মুক্তিলাভ করবেন। আমরা সকল মানুষ সমান অধিকার পাবো। সমস্ত মানুষই এই রাষ্ট্রের নাগরিক হবে। সেই দিক থেকে এই শাসনতন্ত্রের মধ্যে তারও ব্যবস্থা করা হয়েছে। প্রত্যেকেরই এই রাষ্ট্রীয় ব্যাপারে ধর্মনিরপেক্ষভাবে, সমাজনিরপেক্ষভাবে সমানভাবে কথা বলবার অধিকার থাকবে এবং সেই অধিকার স্বীকৃতও হয়েছে। আমাদের এও স্বীকৃত হয়েছে যে, ভাষা নিয়ে যে

প্রত্যেক প্রদেশ তার নিজের নিজের ভাষায় সে তার নিজের লেখাপড়ার কাজ, সংস্কৃতির কাজ ও অন্যান্য জাতীয় কাজও চালাবে। বাস্তবিকই আমরা এতদিন যেভাবে চিন্তা করে এসেছি—ইংরেজ আমাদের যেভাবে চিন্তা করিয়েছিল—ঠিক সেইভাবে আমরা চিন্তা করে এসেছি। আজ আমাদের এই মনোবৃত্তি সম্পূর্ণ ভাবে বদলিয়ে দিতে হবে। সেই জন্য এর মধ্যেই বিভিন্ন প্রদেশ—তার নিজস্ব প্রাদেশিক ভাষায় তার কাজ কাজকর্ম আরম্ভ করেছে। এটা একটা সম্পূর্ণ ন্যায়সঙ্গত অধিকার—প্রত্যেক প্রদেশের লোকেরা কি ভাষায় কথা বলবে, কি কথা ভাববে। আমাদের দেশের বোধ হয় শতকরা ৭জন লোক কি ৫জন লোক ছাড়া আর কেউ ইংরেজী লেখাপড়া জানে না বা বলতে পারে না। কিন্তু আমরা সেই ইংরেজীতেই আবার বক্তৃতা করি। আমাদের দেশের শতকরা ৯৫জন লোক সে ভাষা বুঝতে পারে না এবং সেই ভাষা দু'শো বছরের মধ্যেও যখন তারা বুঝতে পারেনি, তখন যে আজ ভারতবর্ষ স্বাধীন হবার পরেই সেই ভাষা বোঝা তাদের পক্ষে আরও কঠিন হবে--এটা তারা বুঝেছে। তাদের যে মাতৃভূমিতে জন্ম—সেই জন্ম থেকে যে ভাষা তার মুখ দিয়ে বেরিয়েছিল--তার আজ কি ব্যক্তিগত হোক, সমাজের কাজেই হোক, রাষ্ট্রের কাজেই হোক সেই ভাষা দ্বারা তা পরিচালিত হওয়া উচিত। সেই দিক থেকে আমি মনে করি আমাদের প্রত্যেকের, প্রত্যেক প্রদেশের ন্যায়সঙ্গত অধিকার যা, তা সম্পূর্ণ স্বীকৃত হয়েছে। আমি এই দিক থেকে মনে করি draft constitution যা আমাদের সামনে আজ উপস্থিত হয়েছে তার সম্বন্ধে আমি যেটুকু ভেবেছি তাই আমি আপনাদের সামনে বল্লাম।

Sri CHARU CHANDRA BHANDARI : মাননীয় স্পীকার মহাশয়! আমি এই খসড়া গঠনতন্ত্র সম্পর্কে বাংলায় বল্‌ছি এটা জেনেও যে আমাদের যা কিছু proceedings সেটা কেন্দ্রীয় গভর্ণমেণ্টের কাছে যাবে এবং বাংলায় বল্‌লে সেটা কেউ হয়ত পড়্‌বে না। কিন্তু ১৫ই আগষ্টের পর থেকে আমরা যে নীতি গ্রহণ কোরেছি অর্থাৎ আমরা নিজেদের ভাষায় কথা বল্‌ব সেই অনুসারে আমি বাংলায় বল্‌ছি।

সর্ব্বপ্রথমে আমি Preambleএর কথা বল্‌ব। পূর্ববর্ত্তী বক্তা শ্রীযুক্ত সুরেশচন্দ্র ব্যানার্জী মহাশয় বলেছেন যে আমাদের যে State সেটা হওয়া উচিত Sovereign Independent Republic আগে এই কথা স্থির হয়েছিল যে এর নাম হবে "Sovereign Independent Republic" "Independent"এর স্থলে খসড়া রচনাকারিগণ "democratic" কথাটা দিয়েছেন, কারণ sovereign এবং independent একই অর্থবোধক। কিন্তু democratic কথা বলার মধ্যে বিশেষ তাৎপর্য্য আছে, কারণ কোন State republic হয়েও ও independent হয়েও democratic নাও হতে পারে -যেমন জার্ম্মানী ছিল। সেইজন্য democratic কথাটা বলা আবশ্যক। অতএব উনি যে democraticএর স্থানে independent দিতে চান এটা মনে হয় ঠিক হবে না। আমার মনে হয় independent কথাটার যদি আদৌ দরকার হয় তা হলে বরং democrati কথাটা রেখে Independent Democratic Republic বলা ভাল। Democratic কথার বদলে independent কথা বলা ঠিক হবে না।

দ্বিতীয় কথা হচ্ছে আমরা ধারণা কোরে এসেছিলাম যে শাসনব্যবস্থা decentralised হবে। কিন্তু যে গঠনতন্ত্র পাচ্ছি তাতে দেখ্‌ছি যে অনেক বিষয়ে ক্ষমতাকে কেন্দ্রীভূত করা হয়েছে। এটা ঠিক কথা যে আমাদের স্বাধীনতা পাবার পর যে গুরুতর অবস্থার মধ্য দিয়ে দেশ চলেছে তাতে হয়ত কিছু দিনের জন্য আমাদের constitutionএ যাকে State বলা হয়েছে তার হাতে বেশী ক্ষমতা না দিয়ে কিছু কিছু ব্যাপারে কেন্দ্র থেকে ক্ষমতা পরিচালনা করা দেশের কল্যাণের পক্ষে প্রয়োজন হতে পারে। কিন্তু যেমন তার প্রয়োজন হতে পারে তেমনি এমন বিপদও হ'তে পারে যে ক্রমে ক্রমে এই ক্ষমতা কেন্দ্রীভূত হয়ে গিয়ে প্রদেশের যে স্বাধীনতা সেটা নামমাত্রে পর্য্যবসিত হতে পারে। এ সম্পর্কে আর কিছু বল্‌ব না, কেবল আমার মনে যে আশঙ্কা আছে তাই ব্যক্ত করলাম মাত্র। অন্ততঃ এইটুকু করা উচিত ছিল—অন্য ক্ষমতা যাই নিক residuary power—যেটার সম্বন্ধে অনেকবার commit করা হয়েছে সেটা প্রদেশের হাতে থাক্‌বে কিন্তু তা না কোরে গঠনতন্ত্রে residuary power কেন্দ্রের হাতে দেওয়া হয়েছে।

তৃতীয় কথা আমি Part IVএর Directive Principles of State Policyর দিকে আপনার দৃষ্টি আকর্ষণ কর্‌ছি। Part IV, Article 31তে আছে —"The State shall in particular direct its policy towards, etc." আরও কতকগুলো কথা বলা হয়েছে। তার মধ্যে আছে—"Securing ownership, and control of the national resources of the community are so distributed as best to subserve the common good"এর মধ্যে খানিকটা socialismএর কথা, nationalisationএর কথা নিহিত আছে, কিন্তু কত দিনে তা হবে তা কিছুই বলা নাই।

এই প্রসঙ্গে একটা প্রয়োজনীয় বিষয়ের প্রতি আপনার দৃষ্টি আকর্ষণ করতে চাই—সেটা বাংলা দেশে তথা অন্য যে সমস্ত প্রদেশে জমিদারী প্রথা আছে তার সম্পর্কে। আমার মনে হয় অনেক জিনিস অপেক্ষা করতে পারে কিন্তু জমিদারী প্রথার বিলোপসাধন এক দিনও অপেক্ষা করতে পারে না এবং তা করা উচিতও নয়। আমার কাছে জমিদারী প্রথা শুধু অর্থনৈতিক সমস্যা নয়, মাত্র economic problem নয়, আমার কাছে এ সমস্যা জাতির একটা বড় নৈতিক সমস্যা। গ্রামের জনসাধারণ তথা জাতির একটা রাজনৈতিক সমস্যা। জমিদারী প্রথা যেখানে প্রচলিত আছে, সেখানে কৃষকদের মধ্যে একটা complex,—যাকে আমরা মনোবিকার বলি—তার সৃষ্টি হয়েছে। সেই মনোবিকার কি? জমিদারী প্রথা অর্থনীতির দিক দিয়ে তাদের পেষিত করছে না? তাদের মধ্যে সেই মনোবিকার তাদেরকে পঙ্গু করেছে সেটা হচ্ছে—inferiority complex, শুধু slave mentality,—একটা হীনতাবোধ, একটা দাস মনোবৃত্তির সৃষ্টি করছে। স্বাধীন হওয়ার পর যে একটা শাসন জনসাধারণের মধ্যে পাওয়া উচিৎ, সেটা যে পাওয়া যায়নি, সে কথা অস্বীকার করার জো নেই। তার অনেক কারণ থাকতে পারে। দেশের বর্তমান অর্থনৈতিক অবস্থা, তার কারণ হ'তে পারে কিন্তু মস্ত বড় একটা কারণ, আমার দৃঢ় বিশ্বাস—আমাকে জনসাধারণের মধ্যে কাজ করতে হয়, সেই জন্য জানি জমিদারী প্রথাই হচ্ছে এই বড় কারণ। কারণ যে হীনতাবোধ তাদের মধ্যে আছে সেটা থাকা উচিত ছিল না। রাজা চলে গেল, ইংরাজ চলে গেল কিন্তু জমিদার আছে তার নায়েব আছে। তার কাছে এখনও চাষী প্রজা নিজেকে হীন বলে মনে করে। সেই হীনতাবোধ থেকে তাদিগকে মুক্ত করবার জন্য জমিদারী প্রথা এখনই চলে যাওয়া উচিত। এর দ্বারা Stateএর আর্থিক অবস্থার কোন আঘাত লাগবে কিনা, আমি জানি না। কিন্তু দেশের নৈতিক ও রাজনৈতিক দিক থেকে জমিদারী প্রথার অবিলম্বে বিলোপসাধন করা উচিত। এটায় হবে কতকটা emancipation of the slavesএর মত এরূপ আমার মনে হয়। কিন্তু আমার আশঙ্কা হয় সেটা আমার ব্যক্তিগত আশঙ্কা হতে পারে—কিন্তু আমার আশঙ্কা হচ্ছে যে, জমিদারী প্রথা খুব তাড়াতাড়ি যাবে না। কিন্তু যেমন করে হোক, এই প্রথা দূর করতেই হবে। কেন জমিদারী প্রথা তাড়াতাড়ি যাবে না, তার অনেক কারণ থাকতে পারে কিন্তু একটা কারণ হচ্ছে আমরা ছোট বড় সকলেই অস্বাভাবিকভাবে এই জমিদারী প্রথার সঙ্গে সংশ্লিষ্ট। এইজন্য জমিদারী প্রথা বিলোপের জন্য একটা নূতন ধারা আমাদের শাসনতন্ত্রের মধ্যে সন্নিবেশিত হওয়া উচিৎ এবং তাতে একটা time limit থাকা উচিত। তা যদি করা না হয়, তাহলে জমিদারী প্রথা কবে যাবে জানি না। এ বিষয়ে আমার suggestion হচ্ছে দরকার হলে resolution আকারেও পরে দিতে পারি—আমার suggestion হচ্ছে general policyর implementationএর জন্য জমিদারী প্রথার বিলোপ কার্যকরী করার জন্য একটা সময় নির্দিষ্ট করা উচিত—এই part 4, Article 31এর পর, ছোট একটা ধারা, 31A স্বরূপ সন্নিবিষ্ট করা উচিত যথা.....

"Towards the implementation of the general policy, as laid down in sub-clause (2) of clause 31, the State shall make effective provision as early as possible so that zemindari and other rent-receiving interests in land shall be liquidated throughout the country before the expiry of three years of the commencement of the Constitution."

এই গঠনতন্ত্র কার্যকরী হওয়ার ৩ বৎসর অতীত হওয়ার পূর্বেই দেশের জমিদারী স্বত্ব হোক বা প্রজার নিকট হতে খাজনা প্রাপ্তির স্বত্বই হোক—সমস্ত completely liquidated হয়ে যাবে। অনেকে বলতে পারেন এর দ্বারা চাষীর অর্থনৈতিক অবস্থার কি হবে? তাতে ত জমিদারী খাসমহলে পরিণত হবে মাত্র? কিন্তু যে যাই হোক, আমার দৃঢ় বিশ্বাস স্বাধীনতার স্বাদ তারা কোন দিন পাবে না, যতদিন এই পুরাণ ব্যাধি থেকে—এই যে একটা inferiority complex, একটা slave mentality,—তার থেকে তাদের রক্ষা করা না যায়। আজ স্বাধীন দেশে আমরা adult franchise বা গণ-ভোট পেয়েছি। কিন্তু আমি মনে করি, যতদিন না কৃষক, জনসাধারণকে জমিদারী প্রথারূপ পুরাতন ব্যাধি থেকে মুক্ত করা যাচ্ছে, ততক্ষণ গণ-ভোট যদি আসেও, সেটা স্বাধীনভাবে ব্যবহার করবার মনোবৃত্তি তাদের আসবে না,—আসতে পারে না—এই আমার ধারণা। এইজন্য আমার অনুরোধ—যেন Constitutionএ এই রকম একটা নূতন clause বসান হউক। এই হচ্ছে আমার কথা। এই কথা বলে আমি তৃতীয় কথা বলব।

তৃতীয় কথা হচ্ছে—যেমন .....Government of India Actএ ৪২ ও ৮৮ ধারায় যেমন Ordinance প্রণয়নের ক্ষমতা লাট ও বড়লাটকে দেওয়া আছে, সেই রকম এখানেও দেখছি Constitutionএর মধ্যে Ordinance-making power দেওয়া হয়েছে। জানি না এর কি প্রয়োজন আছে। এই Ordinance-making powerএর কি প্রয়োজন আছে। আমার মনে হয় স্বাধীন দেশের গঠনতন্ত্রে এই রকম power

থাকা উচিত নয়। (Hear, hear.) ইংল্যাণ্ডের Constitutionএর মধ্যে এই Ordinance-making power নেই। মন্ত্রীরা তাঁদের নিজেদের দায়িত্বে তাঁদের ক্ষমতা প্রয়োগ করেন। কোথাও আইনের বাইরে কিছু কাজ হয়ে গেলে পরে Indemnity Act পাশ করিয়ে নেন। আপনারা জানেন—যাঁরা Political Science আলোচনা করেন—তাঁরা জানেন সেখানে কোন Ordinance-making power নেই। সেখানে Ordinance দ্বারা দেশ শাসিত হয় না। সেখানে মন্ত্রীরা তাঁদের direct responsibilityতে emergencyর অবস্থায় তাঁদের অধিকারের অতিরিক্ত ক্ষমতা প্রয়োগ করেন। পরে একটা Indemnity Actএর দ্বারা তা বৈধ সাব্যস্ত করান হয়। ক্ষমতা হাতে থাকলে যদি জরুরী প্রয়োজনে খুব সহজ-ভাবে সেটা ব্যবহার করবার অধিকার থাকে—তাতে তার abuseও হওয়া সহজ হয়। (Hear, hear)। Executiveএর হাতে আইন প্রণয়নের ক্ষমতা থাকা রাষ্ট্র-বিজ্ঞানের নীতিবিরোধী। তবে Ordinance-making power যদি রাখতেই হয় তাহলে যেন একমাত্র emergencyর সময়েই তা প্রণয়ন করা যেতে পারে। একটা emergency বিধান আছে, সেটা হচ্ছে Article 278 এবং Article 100A. এটা emergency সময়েই গভর্ণর emergency declare করে কয়েক দিন পরে Presidentএর কাছে জানাবেন। প্রয়োজন হলে মাত্র সেই emergencyর সময়ের জন্য Ordinance করা যাবে.....কিন্তু সাধারণতঃ যখন দেশের আইন-পরিষদের বৈঠক হবে না, তখন Ordinance করে চালান, এ একটা ব্যাধিতে পরিণত হতে পারে। এই জিনিস—এই রকম ক্ষমতা থাকা স্বাধীন দেশে কখনও উচিত নয়। অনেকাংশে Government of India Actএর অনুকরণে এই খসড়া করা হয়েছে। এই অনুকরণ করা ঠিক হয়নি। সবচেয়ে ভাল হয় যদি Ordinance-making power তুলে দেওয়া হয়। এবং যদি কিছু থাকেও তবে যেমন বিলাতের Constitution অনুসারে Ministerরা নিজেদের responsibilityতে কাজ করেন—বিনা বিচারে কাউকে আটক করতে হলে নিজেদের দায়িত্বে করেন—এখানেও তেমনিভাবে সেই ক্ষমতা প্রয়োগ করেন তাঁদের নিজেদের দায়িত্বে এবং পরে Indemnity Act পেশ করেন তাতে ক্ষমতার বেশী অপব্যবহার হওয়ার সম্ভাবনা কম।

তারপর কথা হচ্ছে আমাদের যে Parliament হবে, ভারতীয় আইন-পরিষদ এবং প্রদেশে প্রদেশে যে আইন পরিষদ হবে, তা একটা পরিষদ হবে না দুটো পরিষদ হবে। সেটা Unicameral না Bicameral হবে। আমার নিজের এই অভিমত যে এই Parliamentএ একটা Camera হওয়া উচিত। কারণ ইতিহাস থেকে আমরা দেখি যেভাবে House of Lordsএর সৃষ্টি এবং তার অনুকরণে অন্যান্য দেশে যেখানে Upper House হয়েছে, তাদের নিজেদের দেশের তৎকালীন বিশেষ অবস্থার উপযোগিতা ছিল। এই সমস্তের প্রয়োজন হয়েছিলো, বিভিন্ন interest, স্বার্থের ঘাত প্রতিঘাতে। এদেশে হয়তো ইহার প্রয়োজন ইংরাজ আমলে ছিল। কিন্তু এখন আর Bicameral Legislatureএর প্রয়োজন নাই ও উহা হওয়া উচিত নয়; এর দ্বারা মিছিমিছি আইন প্রণয়নের কাজ বাধাপ্রাপ্ত ও বিলম্বিত হবে এবং অর্থব্যয়ও অনর্থক বেশী হয়। সেই জন্য আমার মনে হয় আইন পরিষদ unicameral হওয়া উচিত। অনেকে বলেন—এর দ্বারা hasty legislation বিদ্ধ হয়। কিন্তু কাজ করতে গিয়ে আমরা দেখেছি কতটা দেরী এর দ্বারা হয়। এম্নিই ত তাড়াতাড়ি legislation করাই দরকার, কেন না এই দেখুন ৪ মাস আমাদের Assembly বন্ধ থাকলে আটটা কি দশটা অর্ডিন্যান্স করতে হয়েছে। এ অবস্থায় যদি দুটো হাউস্ করা যায় তা'হলে অনর্থক আরো দেরী হবে। তা'হলে Stateএর পক্ষে কাজ চালান মুস্কিল হয়ে ওঠে। ফলে অনির্দিষ্ট কালের জন্য কাজ বন্ধ রাখতে হয়। বর্তমানে বুলগেরিয়া প্রভৃতি দেশে (laughter from some of the Government benches) বুলগেরিয়া ছোট দেশ বলে হয়ত আপনারা হাস্‌ছেন, কিন্তু সেটা ত স্বাধীন দেশ। সেখানে unicameral system হয়েছে। এখন আমার কথা হচ্ছে—Centreএ যদি হয় ত হোক, কিন্তু কোন গভর্ণরের প্রদেশেই যেন দুটো house না হয়। আর এই দুটো হাউস্ হবার বিধানও সব প্রদেশের জন্য নয়। মাত্র কয়েকটী প্রদেশের জন্য। এটা যদি এত essentialই হয় তাহলে সব প্রদেশের জন্য এই বিধান থাকত। কয়েকটীতে থাকবে আবার কয়েকটীতে থাকবে না!! যাদের থাকবে না তারা যদি একটা house নিয়ে চালাতে পারে, তাহলে আমরা সকলেই বা কেন পারবো না? সুতরাং আমার মতে আমাদের এই Assembly থেকে Ordinance-making power আর unicameral সম্বন্ধে একটা resolution হওয়া উচিত। আর একটা বিষয়ের প্রতি আমি আপনাদের দৃষ্টি আকর্ষণ করছি—সেটা হচ্ছে যে Articleএ Bill পাশ সম্বন্ধে বিধান করা হয়েছে। Bill আইন পরিষদে পাশ হবার পর assentএর জন্য Presidentএর কাছে যাবে। তাতে তিনি assent দিতেও পারেন, নাও দিতে পারেন। এ খানিকটা United Statesএর Constitutionএর বিধানের মত হয়েছে। আমাদের President হবেন constitutional head,—real head নন।

অথচ যিনি real head এর ক্ষমতা constitutional headএর হাতে দেওয়া হয়েছে- এটা আমার কাছে ভাল ঠেক্‌ছে না। এ বিধানটা থাকা ঠিক হবে না। এ বিধানটা যদিই বা থাকে থাক, কিন্তু প্রয়োগ করা উচিত হবে না। যদি দুই camera থাকে, আর যদি President assent দিতেও পারেন,—নাও দিতে পারেন এই বিধান থাকে, তাহলে বিতর্কমূলক যে সব legislation তা আর কোন দিন পাশ হবে বলে মনে হয় না।

এখন আমি আমার শেষ কথা বলে আজকের মত বক্তব্য শেষ করব। সে কথাটা হচ্ছে এই যে Constitutionএ Minister, President বা Governor যাঁরা হবেন তাঁদের মাইনের বিধান আছে। এখন মাইনের যে অবস্থা চলছে, তাতে আমার মনে হয় যে এইরূপ একটা provision হওয়া উচিত যে Stateএর কোন officerএর মাইনেই ১,৫০০৲ টাকার বেশী হবে না। (A VOICE: কি বল্‌ছেন, ১৫৲ টাকা?) আমি ১৫৲ টাকা বলি নাই, ১,৫০০৲ টাকা। আর কোন অবস্থাতেই তাঁদের allowance মাইনের অর্দ্ধেকের বেশী হবে না—এই রকম একটা বিধান করা উচিত। যতদিন না এ সম্পর্কে আইন হবে ততদিন বর্ত্তমানের যা মাইনের scale তাই পাওয়া যাবে। আমি ১,৫০০৲ টাকা মাইনের কথা যে বললাম তারা আমি এটা বলছি না যে সকলেই ১,৫০০৲ টাকা মাইনে পাবেন। ১,৫০০৲ টাকা হচ্ছে উচ্চতম পদাধিকারীরা আমাদের কংগ্রেসের একটা resolution ছিল (A VOICE FROM THE OPPOSITION BENCHES: সে সব আপনারা ভুলে গিয়েছেন) এ সম্বন্ধে। President, Governor বা Minister যিনিই হউন না কেন ১,৫০০৲ টাকাতেই বেশ চলে যায়। যিনি President হবেন তিনি আর আমি যে একজন সামান্য লোক, খাওয়ার খরচ উভয়েরই প্রায় সমান, তিনি বড় কাজ করতে পারেন, কিন্তু diet তাঁর পক্ষে যা আমার পক্ষেও তাই। ক্ষুধা নিবারণ করবার জন্য আমার পক্ষে যা দরকার, তাঁর পক্ষেও তাইই দরকার। এই কথাটা একটা বড় কথা এটা মানুষের ব্যক্তিগত ও জাতিগত মতি-গতির সূচক। সম্প্রতি আমি এই বলেই শেষ করছি এর পরে যখন resolution আসবে তখন আর যা বলবার বলবো।

Sri KANAI LAL DE: মাননীয় পরিষদপাল, (আমি নিজের পরিভাষা বলছি না, প্রাদেশিক সরকারের যে পরিভাষা আছে তার থেকে বলছি) নূতন শাসনতন্ত্র সম্বন্ধে আমার পূর্ববর্ত্তী বক্তাগণ যা বলেছেন, আমি যা বলবো হয়ত কোন কোন কথা তারই পুনরাবৃত্তি হতে পারে কিন্তু আমি নিজে এ সম্বন্ধে যে দুই একটি বিষয় লক্ষ্য করেছি সে সম্বন্ধেই প্রথমে বলছি।

এই শাসনতন্ত্রে আমি দেখছি যে প্রতিনিধি নির্ব্বাচন করবার জন্য লোকসংখ্যার উপর যে রকম প্রতিনিধি হবার ব্যবস্থা করা হয়েছে তাতে অত্যন্ত বেশী। প্রত্যেক প্রদেশে এক লক্ষের উপর একজন করে প্রতিনিধি হবেন, এবং কেন্দ্রে ৫ লক্ষের উপরে একজন করে প্রতিনিধি হতে পারবেন। আমাদের ভারতীয় রাষ্ট্রে ডেভিশন থেকে পঁয়ত্রিশ কোটি লোক হবে। তাতে যদি প্রত্যেক পাঁচ লক্ষে একজন করে প্রতিনিধি হয়, তাহলে কেন্দ্রে ৫০০০র উপর প্রতিনিধি হয়ে যাবে, আর প্রদেশে যদি এক লক্ষে একজন করে হয় তাহলে এক একটা জেলায় যেখানে ৩০।৩৫ লক্ষ লোকের বাস সেখানে ৩০।৩৫ জন প্রতিনিধি হবে। এত প্রতিনিধি হলে শাসন-কার্য্যের পক্ষে সুবিধা হবে না এবং এই প্রকারে প্রতিনিধি পাঠানো হবে এমন অনেক লোক আছেন যাঁরা জনসাধারণের প্রকৃত স্বার্থ বোঝেন না অথচ তাঁদের local influence আছে সেই সব লোকের প্রতিনিধি নির্ব্বাচিত হয়ে যাওয়ার সম্ভাবনা থাকবে। আমরা দেখেছি এক একটা থানাতে অনেক লোক আছেন, যেমন Union Boardএর President, তাঁদের এমন স্থানীয় প্রভাব আছে এবং লোকে নানাকারণে তাঁদের এত ভয় করে যে এত ছোট ছোট constituency হলে তাঁদের নির্ব্বাচিত হয়ে যাওয়ার সম্ভাবনা। Adult franchise হয়েছে এটা খুবই ভাল বটে, কিন্তু এত ছোট constituency করা অনেক দিক থেকে সুবিধা হবে না, এতে ব্যয়-বাহুল্য হবে এবং জনসেবার উপযুক্ত লোক পাওয়া যাবে না।

তারপর এখন যেসব Scheduled Casteএর reservation of seats আছে আমি প্রস্তাব করি যে হিন্দু সমাজের মধ্যে Scheduled Caste না রেখে সব হিন্দুদেরই এক করে দেওয়া উচিত এবং বর্ত্তমানে যার economically, educationally backward আছে কেবলমাত্র তাদেরই বিশেষ ব্যবস্থা করা হোক। আমাদের অভিজ্ঞতায়, আমরা দেখেছি, যে Scheduled Casteএর ভিতর এমন অনেক শ্রেণী আছে যাঁরা শিক্ষায় এবং ধন-সম্পদে হিন্দু সমাজের ব্রাহ্মণ, কায়স্থ, বৈশ্যের চেয়ে, কোন অংশে কম নয়। Scheduled Caste এর যত কিছু সুবিধা এঁরাই ভোগ করেন। দেশের যে সমস্ত বাউরি, হাড়ি, চণ্ডাল আছেন তাঁরা কোন রকম সুবিধা পান না। Scheduled Caste এর উপরের কয়েকটি শ্রেণী মাত্র এই সমস্ত সুবিধা ভোগ করেন। এমনও দেখেছি যে লক্ষ টাকা আয় তেমন Scheduled Caste studentরাও scholarship ভোগ করছে। সুতরাং আমি প্রস্তাব করি যে যাঁরা সত্যই অবনত, যাঁরা সত্যই সমাজের নিম্নস্তরে আছেন শিক্ষাতে এবং অর্থনৈতিক দিক থেকে, তাঁরা যাতে সুবিধা পান সে ব্যবস্থা করা উচিৎ। এবং যদিই Scheduled Caste রাখতে হয় তাহলে বর্ত্তমান ১৯৩৫ সালের Government of India Actএ যাদের Scheduled Caste করা হয়েছে সে তালিকা সংশোধন করা দরকার।

তারপরে আর একটা বিষয় আছে। আমি বলছি যে Article 62, clause 5B বিধানমতে, যিনি কেন্দ্রীয় আইন পরিষদের সদস্য নহেন তাঁকেও মন্ত্রী নিয়োগ করতে পারা যাবে, এ ব্যবস্থার পরিবর্তন করা উচিৎ। ইহা গণতন্ত্র-বিরোধী নীতি; সুতরাং এই clauseটা একেবারে তুলে দেওয়া উচিৎ। যাঁরা প্রদেশে অথবা কেন্দ্রে জনসাধারণের প্রতিনিধি নির্বাচিত হবেন তাঁরাই কেবল মন্ত্রী হতে পারবেন, বাইরের কোন লোক মন্ত্রী হতে পারবেন না এই ব্যবস্থা থাকা দরকার। যাঁরা নির্বাচনে আসতে পারেন নি, মন্ত্রী হয়ে, একটা ক্ষমতার অধিকারী হয়ে, নির্বাচনে প্রতিযোগিতা করলে নির্বাচকমণ্ডলীর উপর পরোক্ষভাবে তাঁদের officeএর প্রভাব বিস্তার হতে পারে। সুতরাং স্বাধীন দেশের democratic constitutionএ এ নিয়ম থাকা কিছুতেই উচিৎ নয়। বোধ হয় পৃথিবীর অপর কোন গণতন্ত্রে এরূপ বিধান নাই।

তারপরে Article 68, Proviso IIতে আছে যে কেন্দ্রীয় অথবা প্রাদেশিক আইন পরিষদের কার্য্যকাল ৫ বৎসর কাল থাকবে এবং emergency হলে উহা এক বছর বাড়তে পারবে; এবং কোন কোন ক্ষেত্রে সেই এক বছরের উপরে আরো ছয় মাস বাড়ানো যাবে। আমি মনে করি এ proviso থাকা উচিৎ নয়। পরিষদ পাঁচ বছর যদি থাকে তার উপর যদি emergencyর জন্য এক বছর রাখা যায় এবং আবার তার উপর ছয় মাস বাড়ান যায়, এবং তা সত্ত্বেও যদি emergencyর সময় অতিবাহিত না হয়, সে ক্ষেত্রে ত নির্বাচন করতেই হবে। সুতরাং আমি প্রস্তাব করি যে পাঁচ বছরের উপর আর কিছুতেই পরিষদের আয়ুষ্কাল থাকা বাঞ্ছনীয় নয়। দেখা গিয়েছে পাশ্চাত্য দেশেও যুদ্ধবিগ্রহের সময়ও election হয়েছে। দুর্ভাগ্যক্রমে যদিই কোন যুদ্ধবিগ্রহ হয় তবে আমাদের দেশেই বা election হতে পারবে না কেন?

সরকারী কর্ম্মচারীদের বেতন সম্বন্ধে আমি কিছু বলবো। আমাদের Congress Working Committee প্রথমে এক নির্দ্দেশ দিয়েছিলেন এবং প্রস্তাব গ্রহণ করেছিলেন যে, সরকারী কর্ম্মচারীদের বেতন ৫০০৲ টাকার বেশী হবে না। কেবল কোন কোন বিষয়ে যাঁরা বিশেষজ্ঞ তাঁদের বেতন বেশী হতে পারে। আমাদের দেশে এখন মুদ্রাস্ফীতির যুগ। সুতরাং Working Committee সেই resolution সংশোধন করে, এই মুদ্রাস্ফীতির কথা বিবেচনা করে, ১,৫০০৲ টাকা উর্দ্ধতন বেতন ধার্য্য করেছেন। ১৯৩৫ সালের Government of Indiaতে যে রকমভাবে বেতনের হারে বেতনের ব্যবস্থা ছিল, আমাদের Draft Constitutionএও প্রায় তাই রাখা হয়েছে। আমাদের একথা সর্ব্বদা মনে রাখতে হবে যে দেশের উর্দ্ধতন পদে যাঁরা কার্য্য গ্রহণ করবেন তাঁরা জনসাধারণের সেবায় উদ্বুদ্ধ হয়েই আসবেন, অর্থোপার্জ্জন করবার মনোবৃত্তি নিয়ে আসবেন না। সেইজন্য আমার মনে হয় বেতনের হার কংগ্রেসের নির্দ্ধারণ মতই রাখা হউক। রাষ্ট্রপাল, প্রদেশপাল অথবা মন্ত্রীদের বেতন মাসিক ১,৫০০৲ টাকার বেশী হবে না। কিন্তু দেখা যাচ্ছে Supreme Courtএর জজদের ৫ হাজার, High Courtএর জজদের চার হাজার, সাড়ে তিন হাজার এই রকম ধার্য্য করা হয়েছে। Presidentএর বেতন ৫,৫০০৲ টাকা এবং প্রাদেশিক Governorদের বেতন ৪,৫০০৲ টাকা ধার্য্য করা উচিত নয়। মহাত্মা গান্ধী তখনকার বড়লাট Lord Irwinকে যে চিঠি লিখেছিলেন তাতে লিখেছিলেন এ গরীব দেশ—যেখানে লোকে ৬ পয়সার বেশী উপার্জ্জন করতে পারে না, তুমি সেখানে দিন ৭০০৲ টাকা করে বেতন নাও। এতে এই দেশবাসীর প্রতি অত্যন্ত অবিচার করা হয়। আমাদের পূর্ব্বের নিয়ম পরিবর্ত্তন করবার কি বাধা আছে জানি না। আবার মনে হয় পরিবর্ত্তন করতে পারা যায়। নূতন স্বাধীন ভারতের শাসনতন্ত্রে হাজার হাজার টাকা বেতন রাখার কোন প্রয়োজন নেই। উচ্চহারের বেতন কমানো অত্যন্ত আবশ্যক। এখন যিনি আমাদের রাষ্ট্রপাল তাঁর মত দেশ-সেবক এবং ত্যাগী লোকের এত বেশী টাকার কোন প্রয়োজন নেই। দরিদ্র ভারতবর্ষের যিনিই রাষ্ট্রপাল হবেন তিনিই দরিদ্রের মত জীবনযাপন করবেন এবং করা উচিত। বেশী বেতনের দ্বারা মানুষের মর্য্যাদা বা নৈতিক চরিত্রের পরিচয় পাওয়া যায় না। মানুষের ত্যাগ ও জনসেবায় তার চরিত্রের মহত্ত্ব বোঝা যায়। সুতরাং বেশী বেতন না দিলেও যে তাঁদের পদমর্য্যাদা রক্ষিত হবে না এ ধারণা অত্যন্ত ভ্রান্ত।

Sri JYOTI BASU : কে শুনবে আজ আপনাদের কথা; আমরাই শুনছি। আপনি বক্তৃতা দিচ্ছেন, মন্ত্রীরা হাসছেন।

Sri KANAI LAL DE : আমি যে সম্বন্ধে বক্তৃতা দিচ্ছি সেটা নূতন Constitutionএর বিষয়। তখন এই মন্ত্রীরা থাকবেন কি না থাকবেন তা জানি না। কাজেই তাঁদের হাসবার কোন প্রয়োজন নেই। আমি আর বেশী কিছু বলবো না। আমি বসবার আগে এই কথাটা বলতে চাই যে আমি Scheduled Caste reservation সম্বন্ধে যে কথা বলেছি, আমার কোন Scheduled Caste বন্ধুরা যেন মনে না করেন যে আমি Scheduled Casteএর মঙ্গল বা তাদের উন্নতি বা তাদের সুবিধার বিরোধী। আমি মোটেই তা নই। আমি তাঁদের বেশী সুবিধা পাওয়ার পক্ষপাতী। প্রকৃতই যাঁরা অনগ্রসর বেশী সুখ-সুবিধা তাঁদের হোক, আমি এই চাই। আমি

দেখেছি, যে সমস্ত অত্যন্ত অনুন্নত শ্রেণী আছে, তাদের কথা কেউ ভাবে না। দেশের লোকের প্রদত্ত রাজস্ব থেকে Scheduled Casteএর উন্নতির জন্য যে টাকা ব্যয় হচ্ছে, সত্যিকারের অবনত শ্রেণীর লোক তা টাকা পায় না। অত্যন্ত নিম্নস্তরে পড়ে আছে যারা, অর্থনৈতিক অবস্থা যাদের খারাপ, শিক্ষার সুযোগ যারা পায় নাই তারা যাতে সুবিধা পায়, অপেক্ষাকৃত উন্নত ও সম্পন্ন লোক তাদের দলে ঢুকে, যেন তাদের বঞ্চিত করে সুবিধাটা না নেয়, এই জন্য আমি Scheduled Caste সম্বন্ধে কথা বলেছি। Scheduled Casteএর অনুন্নত লোকের প্রতি আমার দরদ্ কাহারও চেয়ে কম নয়; এটা যেন কেউ ভুল না বোঝেন।

Mr. SPEAKER: Is there any other member who wants to speak to-day?

(Pause.)

As I find that there is none to speak to-day, I adjourn the House till 3-30 p.m., to-morrow.

Adjournment.

The House was then adjourned at 5-45 p.m. till 3-30 p.m., on Friday, the 10th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 10th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN), in the Chair, 8 Hon'ble Ministers and 55 members.

STARRED QUESTION

(to which oral answer was given)

Incident at Maidan resulting in a Police Officer being shot.

***11. Sri RADHANATH DAS: (Short notice)** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether his attention has been drawn to a reported incident which happened at the Maidan on the 9th September, 1948, and which resulted in a Police Officer being shot?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the details of the incident, and

(*ii*) the steps the Government propose to take in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Sri KIRAN SANKAR ROY): Mr. Speaker, may I explain the position before making a reply

I received this short notice question at about 2 p.m. and it was not possible to prepare a reply within such a short time. I am sorry it was not possible therefore to circulate the reply amongst the members of the House. But considering the importance of the question I hope the House will permit me to reply to this short notice question on the floor of the House though there has not been circulation of the reply.

Secondly, I should like to say that I have received only a preliminary report. I have not been able to test the facts. Nevertheless I shall place all the facts that are available before the House.

(*a*) and (*b*) The House is probably aware that a one-day strike was called yesterday by the Port Trust Employees' Association. The strike proved a complete failure and attendance was nearly 90 per cent.

From reports I have received I gather that in the afternoon, under auspices of the Bengal Provincial Trade Union Congress, a meeting was held at the Ochterlony Monument with Sri Malaya Brahmachari as President. One of the speakers was Janab Bazlu Molla. Most of the speakers in their speeches urged the overthrow of the Congress Government. At about 6-15 p.m. one of the speakers announced to the meeting that Janab Bazlu Molla had been arrested as he was leaving the meeting and immediately there was a growing tension among the already excited audience. As a matter of fact, however, Janab Bazlu Molla had not been arrested. A rumour was also spread that hired goondas of the Indian National Trade Union Congress had thrown bombs to break up the meeting while the Police had opened blank fire to terrorise the audience. Both the rumours were baseless. No bombs had been thrown and the Police had not opened fire

At this time a mob from among the audience surrounded a police lorry which was standing on the New Road north-east of the Monument. The Officer in charge of Hastings police-station Sub-Inspector Ramesh Chandra Sarkar was in that lorry at that time. There was no one else with him except the driver. The constables who had accompanied him had been dispersed on duty to different parts of the meeting ground. The angry mob demanded the release of the arrested man. The Sub-Inspector explained to them that no one had been arrested as alleged, but they would not listen to him. One of the mob snatched away the officer's revolver and fired at him three times causing serious injury. The assailant escaped. The wounded officer was removed to the Presidency General Hospital where he was operated upon this morning. Since the operation he has been unconscious. The Police are investigating the crime committed yesterday.

Government have decided to promulgate section 144, Criminal Procedure Code in Calcutta prohibiting the holding of public meetings. This step has been considered necessary because it is clear that there are certain elements who, using public meetings as a screen, are out to commit acts of violence. Government are determined to prevent the recurrence of such acts. I would like to assure the House that Government have no desire to stop all public meetings and permission will be readily granted by the Commissioner of Police to hold such meetings except in cases where there is reason to believe that subversive elements desire to hold them with the object of inciting violence and breaking the public peace.

Shaik MOHAMAD RAFIQUE: Is the Hon'ble Minister aware that just when Janab Khuda Bukhsh raised the question yesterday about the strike Government pleaded ignorance of the strike?

The Hon'ble Sri KIRAN SANKAR ROY: I could not hear the honourable member, and I do not want to add anything further to my statement

Sri JYOTI BASU: Sir, before I ask any supplementary question I rise on a point of order The Hon'ble Home Minister just now said that he would not like to add anything further to the statement he has just now made. Is there any use in that case of our asking any supplementary question? I would like to know this from you, Sir.

Mr. SPEAKER: It is for the Hon'ble Minister to decide what answer he will give You put your supplementary questions and it is for the Hon'ble Minister to say what he has got to say.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state as to when Janab Bazlu Molla was arrested?

The Hon'ble Sri KIRAN SANKAR ROY: I know he was not arrested at the time. But as I have already stated these are the preliminary facts that have reached us. I do not want to evade answering questions, but I am not in a position to answer supplementary questions now. I have nothing further to add.

Sri JYOTI BASU: With reference to this report which has just now been given by the Hon'ble Home Minister, will the Hon'ble Minister be pleased to state as to who made the investigation and sent on the report to the Hon'ble Minister?

The Hon'ble Sri KIRAN SANKAR ROY: I have nothing further to add.

Sri JYOTI BASU: Sir, I just now asked as to who gave this report to the Hon'ble Minister. I do not see why he should say that he has nothing further to add. We want to know the source from which he got the report. Will you please help me to elicit an answer from the Hon'ble Minister?

The Hon'ble Sri KIRAN SANKAR ROY: I have nothing further to add.

Sri JYOTI BASU: On a point of privilege. Then, Sir, in that case I would suggest that such one-sided reports are not made if the Hon'ble Minister is not prepared to answer supplementary questions. If he is not sure of his facts as to make a public statement, I think it is not proper for a decent Government to do so.

Mr. SPEAKER: Well, that is a matter of opinion. So far as the Hon'ble Minister is concerned, he is entitled to answer a question in the way he likes.

Janab ABUL HASHEM: On a point of privilege, Sir. You have been pleased to remark that it is for the Hon'ble Minister to answer questions in any manner he likes or not to answer any question. I would like to know through you, Sir, whether Ministers under the rules of discussion and debate in answering questions are free to use their discretion in the matter. On the other hand if any particular Hon'ble Minister suppresses any reply or deliberately does not give any answer, in that case whether you as the Speaker and as the custodian of the rights and privileges of the members of this House can extort an answer from him.

Mr. SPEAKER: So far as this point is concerned, it is almost a settled practice and it has been decided by the previous Speakers that it is for the Ministers to reply and I have no power to compel the Ministers to answer any question in a particular manner.

Janab ABUL HASHEM: In case they refuse to answer?

Mr. SPEAKER: They may not give any reply. I have no power

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state for how long section 144 will be operative in Calcutta? He has not said that in his statement.

The Hon'ble Sri KIRAN SANKAR ROY: As long as it will be necessary.

Janab MD. KHUDA BUKHSH: Then does the Hon'ble Minister suggest that the order has been promulgated for an indefinite period?

The Hon'ble Sri KIRAN SANKAR ROY: I do not suggest anything—it may be withdrawn after a week, it may be withdrawn tomorrow, it will be withdrawn immediately the situation improves.

Special motion under rule 85 of the West Bengal Legislative Assembly Procedure Rules, on the Draft Constitution.

Dr. P. C. GHOSH: Mr. Speaker, Sir, I want to raise only a few general observations on the Draft Constitution and not deal with every section.

The first thing which is rather very important and which was raised yesterday by my friend Dr. Suresh Chandra Banerji in the course of the debate is whether it should be a Sovereign Democratic Republic or Sovereign Independent Republic. Dr. Ambedkar as Chairman of the Drafting Committee has also said that "Sovereign" includes "Independence". That means that there is not an iota of doubt that the British Crown is fading away and the British Crown will not exist as soon as this constitution is passed and given effect to. Therefore, there is not an iota of doubt that "Sovereign State" means an "Independent State" and the word "Democratic" has been put because there are known to be some Republics which are totalitarian. A Republic can be a totalitarian Republic just as U. S. S. R. is a totalitarian Republic. Therefore, deliberately the word

"Democratic" has been put in. You can make it "Sovereign Independent Democratic Republic" but this is redundant. Therefore, "Sovereign Democratic Republic" is the proper thing. It means an Independent State."

Then Dr. Ambedkar has given in his note as Chairman of the Drafting Committee what relation it will have with the British Crown or Great Britain or the British Commonwealth. We shall have to decide this relationship not merely with the British Commonwealth but we shall have to decide what relationship we shall have with any other State in the world. We are, therefore, to decide what relation we shall have with the British Commonwealth or any other State—America or Russia. Therefore, there is not an iota of doubt that when this constitution is passed, the British Crown will be completely fading away from India—completely disappearing from India. There will be no representative of the British Crown either as Governor-General or as Governor acting on behalf of the British Crown in India. There is not an iota of doubt on that point.

The second point I want to discuss is about citizenship which is very important. No one should be denied the right of citizenship unnecessarily, but any one who wants to misuse the right of citizenship should not be given either. Therefore, it should remain very simple and clear so that a man can get the right of citizenship easily. So, these sorts of things as declaration before a Magistrate, affidavit or other things should disappear and it should be made easy for anybody to acquire the right of citizenship, and a clause that a man born in India, that is India as it is commonly understood today, or whose or her father or parent or grand-parent is born in India, as it is understood should acquire the right of citizenship, should be inserted. We all know, Sir, that India, as we knew India only the other day, has been divided into India and Pakistan. Those people who have left Pakistan and want to remain in India should be given a proper chance to remain as citizens and not be required to go through so many formal procedures as the signing of affidavit and all these cumbrous procedures, but merely a statement before the enumerator should be enough. But I know there may be some possibilities of misuse of this right. Merely because some people would misuse this right, therefore lakhs of people should be compelled to go to the Magistrate, sign and make declaration before a Magistrate this is not proper. This citizenship is common to India. One who is a citizen of Bengal is not a citizen of Bengal only but a citizen of the Indian Union. He can exercise his vote in Bengal, Bihar, Orissa or in Assam, but he cannot exercise his voting right in two places. He must exercise his voting right in one place. If a Biharee labourer is working in Calcutta and if his father was born in the Indian Union, he becomes a citizen of the Indian Union, but he cannot exercise his vote both in Calcutta and in Bihar. Therefore, this clause should be made absolutely clear. There should be some amendment about the citizenship right in the draft constitution. I do not want to go into those things because the Government or the majority party, whatever you may call it, would bring the actual clause before the House, I think, in a day or two and then we shall be in a position to discuss those things. Only I want to say that citizenship should be made such that one can easily become a citizen. The procedure must not be cumbrous or difficult for him.

Then the third important thing is about the Governors—whether these Governors should at all be there or not, whether Governors should be elected or nominated from the panels given or without the panels given. If there is an elected Governor and an elected Premier, there is bound to be confusion. Therefore, the elected Governor and the elected Premier cannot be there. The Premier is bound to be elected in a democracy. If the elected Governor is elected by the vote of the whole people, then he should be there to form the Cabinet. But if we do not choose that course and if the Premier forms the Cabinet, I do not personally see any necessity of the Governor at all. The

Governors and the Governor-General exist as Crown representatives. When the Crown will be fading away, there will be no such necessity. Somebody said, who will represent the State? In the Indian Union there will be the President and the President represents the whole Indian Union. In the provinces, supposing one Premier resigns, certainly he will continue till the next Premier comes in. I do not think that this costly establishment and the costly Governors should continue in a poor country like this. I think there is no necessity. So, personally I do feel that the Governor should be elected and he should be allowed to form his Cabinet and there should be no necessity for any Premier. Whether you call him Premier or Governor, it is the same thing. The name may be given Premier instead of the Governor and he should form his Cabinet. Then he is more or less irremovable within three years. Unless he goes against the spirit of the constitution or he does something which amounts to high treason, a Governor should not be removed. A Governor should be able to function for three years. Some say it would lead to totalitarianism one way or the other, but the American Democracy is more or less like that. I personally prefer that system to this system. You know and we all know that in democracy there is room for clique. In France Governments have been changing almost every month. So everywhere every system is defective; no system is perfect. Some system may be fool-proof but no system can be knave-proof. In democracy even a knave can come and become a Minister; you cannot prevent him. Therefore I do say in all humility that there must be some defect, but the Governor who is elected by the common vote of adult franchise is the representative of the whole Province or the whole State. If the Governor gets an absolute majority of votes, he represents the whole people, and therefore he will have a greater hold on the Cabinet, and this form of democracy is better than other systems of democracy in my opinion. Even if the Governor remains, what should be the emoluments? My friend, Dr. Banerjee, raised the question of emoluments yesterday and it was very good that he did so. The Congress Economic Programme Sub-Committee with Pandit Jaharlal Nehru as Chairman has unanimously stated that the maximum salary should in no case be more than 40 times of the minimum salary, and the minimum salary in India under the Government is, I think, about Rs. 55 or so with dearness allowance. Therefore, taking 40 times of that it cannot be more than Rs. 2,200. That is the objective which the Congress has placed before us. The Ministers here in the Province get Rs. 1,500 per month as a maximum including all allowances and everything, and the Ministers in the Central Government are taking Rs. 3,000, i.e., near about 40 times. If the Prime Minister of India can go on with Rs. 3,000, Governors should also be able to go on with Rs. 3,000. (Janab JASIMUDDIN AHMED: What about the dignity of the office?) My friend has raised the question of dignity of the office. There is no question of dignity of office. I have clearly stated my opinion that this should be so. Any other sense of dignity is false.

Then I come to the question of reservation—reservation in Legislature and in services. The sooner this reservation goes the better. This reservation stands in the way of a democratic procedure in the country and it fosters the idea that we are separate. So long as this system of reservation will continue, there can be no one common country for us. (Cries of "hear", "hear".) Therefore the sooner it goes the better. If all our friends agree, we should make a recommendation that there should be no reservation either for my Muhammadan friends or even for the Scheduled Caste friends. My friends will excuse me if I call it a vested interest. There are some persons who will ever remain backward in order to get some seats in the legislature or here and there. You will always find men of that type who will prefer to remain backward. This is what I call a kind of neo-Brahmanism. We should better avoid this. I hope all sections of the legislature will be unanimous on this point that this reservation should be abolished.

About reservation in services also we should appoint best men in the services; otherwise it is bad for our country. Even we should take best men of other countries, but one thing I should like to say is that when I said about emoluments I wanted to say that this emolument does not apply in cases where we want to bring experts from outside India. We do however want to say this that this is applicable to all Indians. When we want to fix the maximum salary of Government servants, Government must be able to do something about big Barristers who are getting Rs. 1,000 or Rs. 2,000 a day and big businessmen who are employing *ex*-Government servants—I.C.S. officers—at a salary of Rs. 10,000 per month. If we don't do that, then we won't get good men here. Therefore we must make drastic law. A Barrister should not get Rs. 2,000 per day or a doctor should not get Rs. 64 or, as a matter of fact, Rs 128 for a single call (Shaik MOHAMAD RAFIQUE: He is not here.) I am not referring to any individual I am referring to general cases. If anybody thinks that I am referring to an individual, he is doing an injustice to myself and to himself I do say that as a general rule this thing should apply The Congress Economic Committee has stated that even big industrialists must give from time to time declaration as to their assets and properties. We know that businessmen have amassed lakhs and lakhs by evading income-tax If they do not give declaration of their assets, you will never be able to control this inflation and things like that Therefore I do say that you must make an all-round thing. While others are getting Rs 10,000 or so, why should experienced Government servants and able Government officers be given less. Therefore, there must be a general reduction If there be a general reduction, that will be a help in the way of checking inflation. (Shaik MOHAMAD RAFIQUE A Socialist State is the best) My friend says about a Socialistic State Even Barristers getting one to two thousand rupees a day call themselves socialists (laughter) I know men who are getting lakhs of rupees from their zemindaries calling themselves communists Therefore socialists and communists are sometimes a cover to hide their misdeeds I do not want to dilate on these things any more What I want to say is that every man must have a minimum of things in this country which we are not able to provide them with on account of the greed of these people Therefore, when the question of emolument comes, we must have an all-round cut One-sided action won't do.

As regards reservation in services I think this reservation in services also should disappear, but I am willing to make this concession by retaining this for five years, but not more than that I do feel that in some cases injustice has been done So reservation may continue not in the legislature but in the services only but not more than five years in any case. No vested interest should be allowed to grow; otherwise the country will never be able to come to its stature. We are all free now and there should be no reservation. But when we want to bring experts from other countries, we should be prepared even to pay emoluments of Rs. 5,000 or Rs. 10,000 per month. For example, we have no petrol in this country. We have coal We want to prepare petrol from coal, and for that purpose if we want to bring German, Czechoslovakian, Hungarian or American experts, we should be prepared to pay Rs 5,000 or Rs. 10,000 per month, because it is in the interest of the country and it should be a contract service for 5 or 10 years (Shaik MOHAMAD RAFIQUE: Otherwise they won't come.) In various fields of Science although we have got some scientists, we have not got many scientists of international reputation in this country and in various other fields we have got third-rate men. Let us admit these facts. Therefore we should bring first-rate men from European countries even by giving them higher emoluments. In that case the question of emolument should not come, because that will be against the interests of the nation. Therefore, as regards emoluments there should be no standard for outsiders.

It is only for Indians. If any Indian says that I am not in a position to serve on that amount, then I would say he is not an Indian. He does not deserve to be an Indian and to get the citizenship right. He should be treated as a foreigner in this country. Another thing which I want to mention is about the constitution of new provinces in this country (Article 3), and in that Draft Constitution it is said that the Government of India can bring before the Parliament and change the boundaries or create new provinces, and, in that case, only the State which is affected by that can initiate or raise the matter; another State may not. The language is rather ambiguous in the Draft Constitution. I do think it should be the power only of the Parliament, that is, in the Indian Parliament, not the Provincial Legislature. Of course, Provincial Legislatures can give their proposals and suggestions to the Government, to the Indian Parliament always. But if you give the right to one province and not to another province then you prejudice the opinion of the Indian Legislature. So what should be done. It should be left only with the Indian Parliament to decide when a new province should be created or a boundary should be readjusted or not, that should be done only by the Indian Parliament. Of course it is the inherent right of any Provincial Legislature to give their opinion to the Indian Parliament and to the Government of India but I do not think the members of the Legislature representing that area should be allowed to give their opinion in this and that. If so, you will never get it changed, I tell you. Therefore it should be left to the Parliament to do it.

With these general remarks I close. I do not want to go into details, because the details will be taken up when the Draft Constitution is discussed clause by clause. I think in a day or two the Hon'ble the Leader of the House would bring amendments to the Draft Constitution which we want to suggest to the Constituent Assembly. When the Draft Constitution will be discussed clause by clause then we shall go into the merits of the clauses. (Cheers from the Treasury Benches.)

Sri HARIPADA CHATTERJEE : মাননীয় পরিষদপাল মহোদয়, স্বাধীন সমাজতান্ত্রিক রাষ্ট্র আমাদের কাম্য সোজাসুজি যদি এই আদর্শ Draft Constitutionএ ঘোষিত হত, তাহলে আমি বেশী খুসী হতাম। কেন না দেশে কৃষক-প্রজা-মজদুর রাজ প্রতিষ্ঠিত হবে বলে কংগ্রেস ঘোষণা ক'রে এসেছে বহুকাল থেকে। যাহোক, এই শাসনতন্ত্রের খসড়ায় গণতন্ত্র-বিরোধী বলে যা অন্ততঃ আমার মনে হয়েছে, তাই আমি আগে বলব।

Articles 87-88, pages 36-37—

কেন্দ্রের উচ্চতর পরিষদকে আইন প্রণয়ন ও মঞ্জুর করা বিষয়ে যে পরিমাণ ক্ষমতা দেওয়া হয়েছে, তা আদৌ গণতন্ত্রোচিত নয়। ব্রিটেনে যখন House of Lordsএর ক্ষমতা সঙ্কোচ করার বন্দোবস্ত হচ্ছে, তখন আমাদের জনগণের রাষ্ট্রে এই রকম ঢালাও ক্ষমতা উচ্চতর পরিষদকে দেওয়ার কোনই যৌক্তিকতা নেই। অথচ এখানে বলা হয়েছে, "Subject to the provisions of Articles 88 and 89 of this Constitution a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses either without amendments or with such amendments only as are agreed to by both Houses." পরিষ্কার বলা হয়েছে, উচ্চতর পরিষদের সম্মতি না পেলে কোন আইন করা যাবে না।

Article 67, etc., page 28—

বিশেষতঃ কেন্দ্রের উচ্চতর পরিষদের গঠনও গণতন্ত্রের উপযোগী নয়। এই পরিষদের ২৫০ জনের মধ্যে ৯৪ জন সদস্য আসবেন দেশীয় রাজ্য থেকে। এঁরা যে জনসাধারণের নির্ব্বাচিত প্রতিনিধি হবেন, এরকম কোন বাধ্যতামূলক ব্যবস্থা করা হয়নি। ফলে স্বাধীন ভারতীয় গণতন্ত্রের উচ্চতর পরিষদের চেহারাটা নিতান্তই সেকেলে ওমরাহদের মজলিস্ ধরণের হবে। এমন ব্যবস্থা এখনই করা উচিত যে অন্ততঃ ৫ কি ১০ বৎসর পরে উচ্চতর পরিষদের প্রত্যেক সদস্য নিজ নিজ এলাকার আইন-পরিষদ দ্বারা নির্ব্বাচিত হয়ে আসবেন। স্বাধীন ভারতের গণতন্ত্রের প্রত্যেক পরিষদই ষোল আনা জনসাধারণের নির্ব্বাচিত প্রতিনিধি দিয়ে গঠিত হবে—কংগ্রেসের এই দীর্ঘ কালের প্রতিশ্রুতি কোনমতেই লঙ্ঘন করা উচিত হবে না।

Article 67, page 27—

কেন্দ্রের নিম্নতর পরিষদেও যাতে সত্য সত্যই জনসাধারণের প্রতিনিধি যেতে পারে, এমনভাবে নির্বাচনের ব্যবস্থা থাকা দরকার। নিম্নতর পরিষদের সভাসংখ্যা যদি ৫০০ থাকে, তাহলে প্রত্যেক নির্বাচন-কেন্দ্রে ভোটারের সংখ্যা হবে কমপক্ষে ৫ লক্ষ। এত-বড় নির্বাচন-কেন্দ্র পৃথিবীর কোথাও নেই। ব্রিটেনে ৬০ হাজার লোক নিয়ে সাধারণতঃ এক একটি নির্বাচন-কেন্দ্র। আমাদের এই বিস্তীর্ণ নির্বাচন-কেন্দ্রে সাধারণ লোক প্রতিনিধিত্বের দাঁড়াতেই পারবে না—৫ লক্ষ ভোটারের কাছে পৌঁছুতে পারবে কেবল মহাজন, কারবারী ও জমিদারেরা। ফলে জনসাধারণের ভোটাধিকারের অপব্যবহার হবে। যেভাবেই হোক, ব্যবস্থা এমন হওয়া দরকার যে-কোনো কেন্দ্রে ২॥ লক্ষের বেশী ভোটার না থাকে। কেন্দ্রের হাতে যখন আর্থিক ও রাষ্ট্রিক ক্ষমতার সাড়ে পনের আনা তুলে দেওয়া হচ্ছে, তখন কেবল প্রদেশের নির্বাচন গণতন্ত্রসম্মত হলে চলবে না; কেন্দ্রেও জনসাধারণের ইচ্ছা প্রতিফলিত হয়, সেই রকম ব্যবস্থা করতেই হবে।

Article 151, page 67—

আশ্চর্যের বিষয় যে প্রাদেশিক শাসনতন্ত্রেও উচ্চতর পরিষদ গঠনের ব্যবস্থা হয়েছে। অথচ আমরা বহুকাল যাবৎ ঘোষণা করেছি যে উচ্চতর পরিষদ গণ-স্বার্থের বিরোধী এবং নিষ্প্রয়োজন। ১৯৪৫-৪৬এর কংগ্রেস-নির্বাচনী ইস্তাহারে আমরা প্রতিশ্রুতি দিয়েছি যে সমস্ত পরিষদ সার্বজনীন ভোটাধিকারে নির্বাচিত হবে। কিন্তু উচ্চতর পরিষদের বেলায় এই প্রতিশ্রুতি ভঙ্গ করার কি এমন দরকার আছে? আইন প্রণয়নে খরচ বাড়িয়ে, বেশী সময় নষ্ট করে জনসাধারণের উপকারটা কি হবে? উচ্চতর পরিষদ, অন্ততঃ প্রাদেশিক শাসনতন্ত্রে থাকার কোন দরকার নেই। আসলে প্রদেশে জনসাধারণের ইচ্ছাকে সর্বদিক দিয়ে সঙ্কুচিত করার উদ্দেশ্য নিয়ে উচ্চতর পরিষদের ব্যবস্থা করা হয়েছে।

Article 226, page 104—

ঠিক সেই কারণেই কেন্দ্রের ক্ষমতা যে পরিমাণ বাড়ান হয়েছে, সেই পরিমাণে প্রাদেশিক আইন-পরিষদের ক্ষমতাকে আষ্টেপৃষ্ঠে বাঁধা হয়েছে নানা সর্তে। সব চেয়ে মারাত্মক ত্রুটি এই যে প্রদেশের নির্বাচিত আইন-পরিষদ ও মন্ত্রিমণ্ডলীর আইন প্রণয়নের ক্ষমতা বাতিল করে কেন্দ্রের হাতে ক্ষমতা নেবার ব্যবস্থা করা হয়েছে। এটা যে কত গণতন্ত্র-বিরোধী তা স্পষ্ট হবে ২২৬ ধারা থেকে। প্রদেশের আইন-পরিষদের ক্ষমতা হরণ করার অধিকার দেওয়া হয়েছে কেন্দ্রের নিম্নতর পরিষদকে নয়, কেন্দ্রের উচ্চতর পরিষদ অর্থাৎ তথাকথিত মজলিসকে। এই বিধান প্রাদেশিক স্বায়ত্ত-শাসনের বিরোধী ত বটেই, উপরন্তু মূলতঃ গণতন্ত্র বিরোধী। আমাদের আইন প্রণয়নের ক্ষমতা বন্ধ করবার হুকুম দেবে কেন্দ্রের Upper House, এটা আদৌ সম্মানজনক নয়।

Articles 275-280, pages 129-132—

গুরুতর জরুরি অবস্থায় ভারতীয় Unionএর Presidentকে অসীম ক্ষমতা দেওয়া হয়েছে। এটা কতখানি গণতন্ত্রসম্মত, তাও ভাল করে ভেবে দেখতে হবে। অবশ্য বিশেষ জরুরি ক্ষমতার ব্যবহার দরকার ত হবেই কিন্তু কোন্ কোন্ অবস্থায় জরুরি ক্ষমতা ব্যবহার হতে পারে—সেটা কি একটিমাত্র ব্যক্তি হোক না তিনি যতই বড়—তার নিজের ইচ্ছার উপর নির্ভর করবে? এই ক্ষমতার অপব্যবহার প্রতিরোধ করার জন্য কোন ব্যবস্থা থাকবে না? উপরন্তু, কেন্দ্রের আইন-পরিষদ নিজের সমস্ত শাসন ক্ষমতা প্রেসিডেন্ট এবং আমলাদের হাতে তুলে দিতে পারবেন এ রকম বিধান কেন করা হচ্ছে? এর মানে কেন্দ্রের নির্বাচিত সদস্যরা নিজেরাই নিজেদের অক্ষমতা স্বীকার পাচ্ছেন। অত্যন্ত অস্পষ্ট কারণে এবং মন্ত্রিসভার কোন পরামর্শ না নিয়ে প্রেসিডেন্ট কেন্দ্রে ও প্রদেশে শাসনতান্ত্রিক ব্যবস্থা বন্ধ করে সমস্ত ক্ষমতা নিজে প্রয়োগ করতে পারবেন, এই ব্যবস্থা অত্যন্ত বিপজ্জনক। এরই ফলে প্রেসিডেন্ট হিণ্ডেনবুর্গের তত্ত্বিরে হিটলার ক্ষমতা দখল করে জার্মাণ গণতন্ত্র ধ্বংস করে দেয়। সেই বিপজ্জনক পথে আমরা জেনে শুনে পা বাড়াতে কখনও রাজী হতে পারি না। প্রেসিডেন্টের জরুরি ক্ষমতা কোন্ কোন্ অবস্থায় প্রয়োগ করা চলবে, তা পরিষ্কারভাবে বিধিবদ্ধ করতে হবে এবং Parliamentary শাসনব্যবস্থা বাতিল করা চলবে না, এও পরিষ্কারভাবে বলা দরকার।

আমরা আমেরিকার Constitution follow করছি না English Constitution follow করছি বুঝতে পারছি না। (VOICE নিজেদের Constitution অন্য কারও নয়) প্রফুল্লবাবু Treasury Bench থেকে আজ বড় বড় কথা বলছেন। আমেরিকার প্রেসিডেন্ট প্রত্যক্ষ নির্বাচনে হন অথচ এই সমস্ত ক্ষমতা তাঁকেও দেওয়া হয় না। সেখানের Presidentকে Veto করতে পারেন তথাকথিত Senate। কিন্তু আমাদের এখানে Presidentকে Veto করবার কেউ নাই। সুতরাং এ যেন দেখায় Americaর ভালটুকু বাদ দিয়ে

তার খারাপটুকু এবং Englandএর খারাপটুকু আমাদের এখানে নেওয়া হয়েছে। ষ্টেট্‌স্‌ম্যান কাগজ ঠাট্টা করে বলেছিল আমাদের কনষ্টিটিউসানকারী পণ্ডিতেরা যেন হটাৎ স্যার স্যামুয়েল হোরের ভক্ত হয়ে পড়েছেন এবং ১৯৩৫এর ইণ্ডিয়া এ্যাক্টকে বহু নকল করেছেন।

Articles 102 and 187, pages 44, 83—

ভারতীয় Unionএর President ও প্রাদেশিক Governorদের Ordinance বলে শাসন করবার যে ক্ষমতা দেওয়া হয়েছে একই কারণে সেই ক্ষমতা সর্ত্তাধীন ও সীমাবদ্ধ করা দরকার। এই ক্ষমতা আইন সভা বন্ধ থাকার সময় ব্যবহৃত হলেও সকল ক্ষেত্রে মন্ত্রি-পরিষদের পরামর্শ নিয়ে ব্যবহার করতে হবে এই ব্যবস্থা থাকা দরকার। এখন মন্ত্রীদের সঙ্গে পরামর্শ না করেই তাঁরা Ordinance করতে পারেন। কিন্তু নির্ব্বাচিতই হউন বা মনোনীত হউন, বড়ই হউন্ আর ছোটই হউন্ President কি Governor কোন একজন ব্যক্তির হাতে বিনাসর্ত্তে ক্ষমতা ব্যবহারের অধিকার দেওয়া যেতে পারে না।

Article 131, page 57—

প্রাদেশিক Governor প্রত্যক্ষ নির্ব্বাচনের প্রতিকল্পে বলা হয়েছে যে প্রাদেশিক আইন-পরিষদের মনোনীত চারজনের মধ্য থেকে President একজনকে Governor নিযুক্ত করবেন। এই প্রতিকল্প ব্যবস্থা সম্পূর্ণ গণতন্ত্র-বিরোধী। আমেরিকার যুক্তরাষ্ট্রে যখন Governor প্রদেশের জনসাধারণের প্রত্যক্ষ voteএ নির্ব্বাচিত হন, তখন এদেশে সেই ব্যবস্থা চালু হবার কোন বাধা বা আপত্তি নেই।

Articles 29-38, pages 13-14—

এই সব ছোট বড় মারাত্মক ত্রুটি ছাড়াও স্বাধীন ভারতীয় গণতন্ত্রের জনসাধারণের মৌলিক অধিকার ব্যাপারেও মস্ত গলদ রয়ে যাচ্ছে। শাসনতন্ত্রের খসড়ায় ২৯--৩৮ ধারায় রাষ্ট্রের মৌলিকনীতি সম্বন্ধে যেসব ব্যবস্থা প্রয়োজনীয় বলা হয়েছে, ৩০ ধারামতে সেগুলি পালন করা বিষয়ে রাষ্ট্রের কোন বাধ্যবাধকতা নেই। অর্থাৎ রাষ্ট্র শুধু কাগজেপত্রে লোক দেখানোভাবে বলেই খালাস যে প্রত্যেক নাগরিক বেঁচে থাকার মত জীবিকা পাবার অধিকারী। এদিকে ওমরাহী জৌলুষ ঠিক ব্রিটিশ আমলের মতই বজায় থাকবে, ওদিকে রাষ্ট্রের কোন আইনগত দায়িত্ব নেই নাগরিকের বেঁচে থাকার ব্যবস্থা করা বিষয়ে। গান্ধীজির আদর্শ অনুযায়ী এরকম রাষ্ট্রের কোন নৈতিক মূল্যই থাকে না। ৩১(খ) ধারায় বলা হয়েছে রাষ্ট্রের পার্থিব সম্পদ এমনভাবে বিতরণ করা হবে যাতে সর্ব্বসাধারণের মঙ্গল হয়। অথচ ঐ ধারা মেনে চলার বাধ্যবাধকতা থাকছে না। ৩১(গ) ধারায় বলা হয়েছে যে ধন ও উৎপাদনের উপায় সব যেন অল্প লোকের হাতে পুঞ্জীভূত না হয় তা দেখতে হবে, অথচ এই সব নীতি মানা না মানা রাষ্ট্রের খুসীর ব্যাপার। করাচী কংগ্রেসের মৌলিক অধিকার প্রস্তাব থেকে ১৯৪৫-৪৬এর কংগ্রেসের নির্ব্বাচনী প্রতিশ্রুতি পর্য্যন্ত সর্ব্বত্র এইগুলি সম্পর্কে আমরা জনসাধারণকে বারবার বলেছি যে জনসাধারণের আর্থিক নিরাপত্তা ও সুস্বাচ্ছন্দ বিধান রাষ্ট্রের অবশ্য কর্ত্তব্য। অথচ এখন আমরা শাসনতন্ত্রে লিখেপড়ে দিচ্ছি যে ওগুলি আদর্শ মাত্র, মানি বা না মানি সেজন্য কোথাও জবাবদিহি করতে বাধ্য থাকবো না। এর ফলে হবে এই যে গান্ধীজির আদর্শ কংগ্রেসের গণতান্ত্রিক আদর্শ বারবার ভঙ্গ করলেও রাষ্ট্রের আইনে তার কোন প্রতিকার থাকবে না, প্রতিবাদও চলবে না।

ঠিক এই কারণেই ২৯--৩৮ ধারার বড় বড় আশ্বাস যা মানবার কোন বাধ্যবাধকতা নেই সেগুলির পরই দেখতে পাচ্ছি যে ২৫২(খ) ধারায় বলা হচ্চে যে প্রাদেশিক রাষ্ট্র বা মিউনিসিপ্যালিটিকে ব্যবসা পেশা প্রভৃতির জন্য দেয় ট্যাক্সের পরিমাণ কারো ক্ষেত্রেই ২৫০ টাকার বেশী হতে পারবে না। অর্থাৎ লক্ষপতি কারবারী ও সামান্য দোকানী ব্যবসায় একই পরিমাণ ট্যাক্স দেবে। আমরা আইন-পরিষদে জনসাধারণের প্রয়োজনেও কোটিপতি ব্যবসায়ীর কাছ থেকে ২৫০ টাকার বেশী ব্যবসার ট্যাক্স নেবার আইন পাশ করতে পারবো না। ব্রিটেনে এবং অন্য অনেক দেশে এই সব ক্ষেত্রে আয়ের অনুপাতে ট্যাক্স কম বেশী হয়। এখানেও তাই হওয়া উচিত। এটা বেঁধে দেওয়া হচ্চে বড় লোকদের বেলায় যে তারা আড়াইশো টাকার বেশী ট্যাক্স দেবে না, কিন্তু গরীবদের বেলায় তাদের ন্যায্য প্রাপ্য দেবার বেলায় সরকারের কোন বাধ্যবাধকতা থাকবে না। আমরা জানি এই Constitution তৈরী করতে সব বড় বড় brain খেটেছে যাঁরা এটা করেছেন তারা constitutional পণ্ডিত; কিন্তু আমরা সাধারণ দৃষ্টিতে Constitutionটা পড়ে যা বুঝছি বা দেখছি তাতে খুসী হতে পারছি না।

Articles 283-85, pages 134-135—

তেমনি দেখছি পুরানো সরকারী আমলাতন্ত্রকে প্রশ্রয় দেবার ব্যবস্থা রয়েছে শাসনতন্ত্রের খসড়ায়। সরকারী উচ্চতর আমলাদের জন্য যেসব আইন British আমলে পাশ হয়েছিল সেগুলি ২৮৩-২৮৫ ধারামত এখনও চালু থাকবে। পুরোণো আমলাতন্ত্রের কাঠামো এবং তার ব্যয়-বিলাস বজায় রেখে আমরা কি করে নতুন গণতান্ত্রিক

ব্যবস্থা গড়বো? পুরোণো আমলাতন্ত্রকে দরকার মত রদবদল করার অধিকার রাষ্ট্রের শাসনতন্ত্রে বিধিবদ্ধ থাকা দরকার। আশ্চর্য্যের বিষয় এবং খুবই দুঃখের কথা যে নূতন ভারতবর্ষ গড়তে গিয়ে, কি শাসনতন্ত্র কি সরকারের দৈনন্দিন ব্যবহারে আমরা ব্রিটিশ আমলের মাধামোটা ঔপনিবেশিক শোষণ ব্যবস্থা উৎসাহের সঙ্গে নকল করছি এবং সমর্থন করছি। নিশ্চয়ই এটা কংগ্রেসের ঐতিহ্য, গান্ধীজির আদর্শ এবং জনসাধারণের ইচ্ছাসম্মত নয়। নূতন শাসনতন্ত্রের খসড়া থেকে ব্রিটিশ ঔপনিবেশিক শোষণ ও দমননীতির সমস্ত চিহ্নই মুছে ফেলতে হবে, এটাই আমাদের দাবী। জানি না এইসব কথা সাধারণ ভাবে যা বলছি তাতে কে কি মনে করছেন। আমরা দেখছি বৃটেনে যেখানে গণতন্ত্র কিছুটা আছে সেখানে প্রধান মন্ত্রীকে পর্য্যন্ত সাধারণের কাছে তাঁর সামান্য কাজের জন্যও জবাব দিতে হয়। Attlee সাহেব হাঁসপাতালে আছেন, কার খরচায় আছেন তা পর্য্যন্ত পার্লামেণ্টে প্রশ্ন হচ্চে, কারণ সবাই জানেন বিলাতে পয়সা দিয়ে বা বিনা খরচায় হাঁসপাতালে থাকবার দুই রকম ব্যবস্থা আছে। তাতে উত্তর হয়েছে তিনি খরচ দিয়ে আছেন। আর প্রধান মন্ত্রী Attlee সাহেব যা বেতন পান আমাদের এখানে লাট, বড়লাট যাকে বলি রাষ্ট্রপাল, তাঁরা যা বেতন পান তার সাথে তার তুলনাই হয় না। কেন আমাদের এই গরীব দেশে এত বড় বড় বেতন হবে। আমাদের পরিষদের নেতা সেদিন বললেন যে ৩০ টাকা থেকে ৩০০ টাকা বেতন দওয়া উচ্চ খলতা। বেশ ভাল কথা। ৩০ টাকার বেশী মাহিনা চাওয়া নয় আপাততঃ বন্ধই থাকুন কিন্তু যাঁরা বড় বড় বেতন নিচ্ছেন তাঁরা কি একটা token ত্যাগও করতে পারেন না? লোক দেখানো একটু সামান্য ত্যাগও করতে পারেন না? বড় বড় মাইনে নেওয়া হচ্চে আবার তার উপরও নানাবিধ এলাউয়েন্স দেবার ব্যবস্থা হচ্চে। আর বেশী বলতে চাইনা, ঘরের কথা ফাঁস হয়ে যাবে। (Laughter from the Opposition side) মাননীয় সভাপতি মহাশয় আমি এই কথা বলে আমার বক্তব্য শেষ করছি। ইংরাজ চলে গিয়েছে কিন্তু তার শাসনতন্ত্রের পুরাতন কাঠামো এখন রয়েছে। এখন দেশের সামনে প্রশ্ন কৃষক-প্রজা-মজুর রাজ প্রতিষ্ঠিত হবে না অর্থশালী লোকেরা ক্ষমতা হাতে পাবে। মনে হয় যাঁরা এই শাসনতন্ত্র তৈরী করেছেন তাঁরা অর্থশালীদলের লোক। এদের ভাল বাড়ী আছে, বড় মোটর গাড়ী আছে, ভাল ভাল পোষাক-পরা সুন্দর চেহারার লোক এরা। তাই মনে হচ্চে এই রাষ্ট্রতন্ত্রে যারা মাঠে-ঘাটে, হাটে-বাজারে ঘোরে সেই জনসাধারণের স্বরাজ বুঝি এল না। স্বরাজ এল বড় লোকের। সাদা লোকেরা চলে গেলেন কিন্তু সেই মাধামোটা শাসন-ব্যবস্থা থেকে গেল---তাদের জায়গায় এলেন কালো অর্থশালী লোকেরা। কৃষক-প্রজা-মজুর যে তিমিরে সেই তিমিরেই থাকল। এখন সকলে মিলে যদি আমরা কৃষক-প্রজা-মজুরের সত্যকারের রাষ্ট্রতন্ত্র গড়তে পারি তবেই আমাদের শ্রম সার্থক হবে।

Sri PRAMATHA NATH BANDOPADHAYA: মাননীয় Speaker মহোদয়, আমার উপস্থিত বক্তব্যের সমস্ত বিষয় পূর্ববর্ত্তী বক্তারা ভালভাবে আলোচনা করে গেলেন। সুতরাং আমার আর বেশী কিছু বলার প্রয়োজন নেই। আমি এই কথা বলতে চাই যে আমাদের Sovereign Independent Republic হবে, না Sovereign Democratic Republic হবে এই নাম নিয়ে মতভেদ হয়েছে। কিন্তু যাই হোক না কেন শেষকালে সন্দেহ রয়ে যাচ্চে এই যে ইংরাজ চলে গিয়েও যাচ্চে না বলে মনে হয়, এবং শেষকালে তার লেজুড় হয়ে না থাকতে হয়, আমাদের এইটা মনে রেখে Constitutionএর জন্য ব্যবস্থা করা উচিত। কারণ ইংরাজের লেজুড় হয়ে থাকার মানে তার সাম্রাজ্যবাদের কবলিত হয়ে থাকা। তাঁরা পৃথিবীর নানান্ যায়গায় যুদ্ধ বাধিয়ে বসবেন এবং আমাদের অনিচ্ছাসত্ত্বেও যুদ্ধ বাধলে তাদের সঙ্গে আমাদের যোগ দিতে হবে। সেই রকম সম্ভাবনা একেবারে থাকবে না এই রকম কিছু ব্যবস্থা আমাদের Constitutionএ থাকা দরকার।

দ্বিতীয় কথা যে আমাদের যখন rights of equalities স্বীকার করা হয়েছে, এবং caste system যখন আমরা স্বীকার করছি না তখন আমার এক বন্ধু যা বলেছিলেন, সেইমত এই scheduled caste এটা যে একটা privileged class একথা তুলে দেওয়া উচিত। আমাদের এই Constitutionএ আছে যে আদিবাসী যাদিগকে বলা হয় তাদিগকে scheduled caste হিসাবে বিবেচনা করা হবে। কিন্তু আমাদের বাংলা দেশে বর্ত্তমানে scheduled caste বলে যাদের আমরা আলাদা করে রেখেছি, সে scheduled caste একটা caste নয়, তার ভিতর বহু caste আছে এবং untouchability যদি তাদের একমাত্র মানদণ্ড হয় তাহলে scheduled casteএর বিভিন্ন জাতির ভিতর যেমন untouchability আছে তেমন অন্য casteএর ভিতর untouchability নেই। এবং এই scheduled casteএর privilege নিয়ে সুবিধা নিয়ে যাঁরা আইন-সভায় যান তাঁরা একটি বিশেষ caste represent করেন, scheduled casteদের সমস্ত caste represent করেন বলে আমি মনে করি না। কাজেই এই scheduled casteএ যে privilege চাকরী বা election

এ সেটা উঠে যাওয়া আবশ্যক মনে করি এবং এই ভাবভাবে আমাদের Constitutionএ যেন ব্যবস্থা করা হয়। এটা একবার স্বীকার করে নিলে বরাবর চলবে, এবং বরাবর চললে সমাজ এবং রাষ্ট্র উভয়ই দুর্বল হয়ে থাকবে। জাতিভেদ আপনি কখনও উঠবে না, এই scheduled casteএর যাঁরা মাথায় আছেন তাঁদের নিজেদের সুবিধার জন্য তাঁরা এই জাতিভেদকে বজায় রেখে যাবেন।

চাকরী সম্বন্ধেও আমার ঐ মত যা বলে গেলেন, যে reservation of services থাকা উচিত নয়। ইতিমধ্যেই এর কুফল দেখা যাচ্ছে। শিক্ষায় এবং দীক্ষায় যাঁরা ভাল তাঁরা চাকরী না পেয়ে, কেবল জাতি বিশেষ বা ধর্ম বিশেষের সুবিধা নিয়ে চাকরী পাবেন এ হওয়া উচিত নয়। এর জন্য Public Service Commission হওয়া উচিত এবং যাঁরা পরীক্ষায় শ্রেষ্ঠ স্থান লাভ করবেন তাঁদেরই চাকরী হওয়া উচিত, এই নিয়ম হওয়া উচিত।

তারপরে ধর্ম সম্বন্ধে আমাদের স্বাধীনতা দেওয়া হয়েছে। কিন্তু ধর্মস্থান সম্বন্ধে স্বাধীনতাকে একটু খর্ব করা হয়েছে। কলিকাতার রাস্তার ধারেতে আমাদের হিন্দু-মুসলমান এবং নানাপ্রকার ধর্মাবলম্বীদের যে সমস্ত মসজিদ্ ও মন্দির উঠেছে তাতে রাস্তার সৌন্দর্য্য অনেকখানি ব্যাহত হয়েছে এবং লোকজনের যাতায়াতের পক্ষেও বেশ অসুবিধা হয়েছে। সেজন্য রাস্তার ধারে ধর্ম মন্দির হওয়ার জন্য আমরা নানা অসুবিধা বোধ করি। প্রথম হচ্ছে যে রাস্তার ধারে মসজিদ্ হলে সেখান দিয়ে বাজনা বাজিয়ে যাবার তো নাই। এই নিয়ে সেজন্য বহু জায়গায় ঝগড়া-ঝাটি হয়েছে। কাজেই একটা যদি নিয়ম করা হয় যে যাঁরা ধর্মস্থান করবেন সেটা যেন public রাস্তা থেকে খানিকটা দূরে করা হয়। তাহ'লে সেখানে আর বাজনার শব্দ যাবে না এবং বাজনার শব্দ এসে লোকের কথা-বার্তারও কোন ব্যাঘাত করবে না। কাজেই ধর্মস্থানের স্বাধীনতা খর্ব করবার একটা নিয়ম থাকলে নেহাৎ মন্দ হয় না। আর আমার বিশেষ কিছু বলবার নাই। এই যে আমাদের ডেমোক্রেসি হচ্ছে এটা হ'লে কিন্তু আমাদের সমাজের বা রাষ্ট্রের যে আমরা উন্নতি কামনা করি--বিশেষ করে সমাজের উন্নতি সেটা শীঘ্র হবে কিনা সন্দেহ আছে। এসব খুব ধীরে ধীরে হবে। এখানে ত একজন কামালপাশা বা এই রকম লোকের আসবার সম্ভাবনা নাই। কাজে কাজেই আইনের ভেতর দিয়ে untouchability এবং অন্যান্য সংস্কার করতে হবে। এ সবের কতদিনে সংস্কার হবে তা বোঝা শক্ত। কাজেই যে উন্নতি কিংবা ঐ রকম একটা কিছু করবার বা পৃথিবীর সঙ্গে সমান তালে পা ফেলে চলার যে স্বপ্ন আমরা দেখছি----(Sri Jyoti Basu ওটা স্বপ্নই থেকে যাবে)। এই স্বপ্ন যে কবে সফল হবে তা বলতে পারি না। কাজেই এক এক সময় মনে হয় খানিকটা ডিক্টেটারসিপের দরকার হবে। যদি এই এতদিনের অনড় সমাজ এবং অত্যন্ত রক্ষণশীল সমাজকে নাড়াচাড়া করতে হয় এবং এই সমস্ত কুসংস্কার দূর করতে হয় তাহ'লে সেটা ধীরভাবে করতে হবে। কেবল শাস্ত্রের দোহাই দিয়ে চলবে না। কাজেই উন্নতির যে সমস্ত ব্যবস্থা Draft Constitutionএ করা হয়েছে তা যেভাবে ব্যাখ্যা হ'ল, সে ব্যাখ্যার দ্বারা যদি আমরা মনে করি—আমাদের দেশে তাড়াতাড়ি উন্নতি হবে--তাহ'লে আমার মনে হয় আমাদের পক্ষে সেটা ভুল আশা করা।

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Sri JYOTI BASU: Mr. Speaker, Sir, it is not possible for me to undertake a very elaborate and detailed review of the Draft Constitution of India, and neither are we called upon here as I understood to deal with the Draft Constitution clause by clause. It shall therefore be my endeavour to spotlight the main features and direct my criticism on certain basic aspects. I need not point out that any constitution must be judged in the last analysis from the advantages and rights accruing to the common men, workers, kisans, the oppressed and the middle class who constitute 95 per cent. of the population. This will be my criterion of judging this Draft Constitution. In the battle for liberation and Purna Swaraj the people in the villages and towns made unparallelled sacrifices and staked their all including their lives. It was naturally to be expected that when the time came for framing the new constitution, these are the people who should be called upon to constitute the Constituent Assembly and prepare the constitution of India, under which a new people's India would be built up. But on the contrary and in gross violation of all democratic principles only the representatives of 13 per cent. of the people have the right to take

part in the deliberations of the Constituent Assembly. These 13 per cent. again were not given the right to directly choose their representatives to the Constituent Assembly but only indirectly through the members of the Legislative Assemblies in the different provinces.

As far as the Indian States are concerned, the people therein have still less representation, and half of them were nominated to the Constituent Assembly by Rajas, Nawabs and Maharajas. The rest were elected by the State Assemblies. It is worth while to remember that in the Constituent Assembly about 40 per cent. of the members represented the States, and this is how the members have come to the Constituent Assembly from the States. The excuse was made by the British Government and the Congress leaders that trying to be democratic and electing the Constituent Assembly on the basis of adult franchise would mean delay. But more than two years have gone by since the Constituent Assembly was formed, and we know that in the deliberations which took place in the Constituent Assembly not more than two months were taken by the members. Therefore nobody need take seriously this excuse because surely within one year a Constituent Assembly based on adult franchise could have been elected in India. It is the contempt and fear of the common man which made Congress leaders agree with the British and favour the upper sections of the society which made so little sacrifice for the country's freedom. We hear so much about 1942. Yes, it is true that although no call for action was given congress leaders courted imprisonment sometimes to escape responsibility, the ordinary men and women, even though leaderless, fought back the British Government. Many of them including Socialists, Forward Blocists and others belonging to the leftist groups find today no place in the Congress and have come out of the Congress. This has been rightly done, because the Congress leadership have dishonoured and betrayed all section of the revolutionary people who have fought the imperialists for the last 40 years. Thus it is not the heroes of 1945, 1942, 1930, 1920 or 1905 or their representatives who have drafted this Draft Constitution of India but the following, most of whom were creatures of the British or had nothing to do with freedom's battle, are responsible for drafting this constitution, namely, Dr. Ambedkar, Gopalaswami Ayyengar, Alladi Krishnaswami Ayyar, Saadulla, Madhava Rao, D. P. Khaitan and K. M. Munshi. We even find that the name of Sir B. L. Mitter was added as one of the members of the drafting committee, but unfortunately he has lost his seat in the Constituent Assembly and therefore could not participate in the deliberations. In the list we find all the others except people like Sir Charles Tegart, Sir John Anderson or Rai Bahadur Nalini Nath Mazumdar of the Special Branch, who have framed this constitution of a so-called free India.

Now let us see what the labours of these gentlemen in the Constituent Assembly have produced, because it must be remembered that never in the history has such a thing happened as it is alleged that we have attained our freedom, never in any free country have people such as these whom I have just now named been allowed to frame the constitution of a free country. In Part IV we find enumerated the directive principles of State policy, because it was felt that this was necessary in order to proclaim to the world what kind of State India was going to have. After reading these particular directives one has a feeling that one is living in a Ramraj. Thus the State itself shall direct its policy towards securing for its citizens adequate means of livelihood, the right to work, to education, to public assistance in case of unemployment, old age allowance, sickness allowance, living wage, decent standard of living, etc. The State shall also promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of the scheduled castes and scheduled tribes, etc. All these together constitute the basis of freedom I agree, the basis of the material and cultural well-being of our people and country. Have we not heard all these for decades from the Congress? But to-day people will refuse to be satisfied with mere programmes and will demand that these

things, that is, the right to work, right to education, right to a living wage, right to sickness benefits, old age pensions, etc., should be incorporated in the Constitution as Fundamental Rights. Hence the framers of the Constitution were very careful and therefore by section 29 it has been clearly laid down that those provisions shall not be enforceable by any court. The people now would like to have something more substantial than directives and promises of the Congress which have been doled out to us for many years past but when the time came for their fulfilment, every directive and promise was broken by the Congress Governments in the different Provinces and at the Centre. After all all Constitutions in the world including even the Fascist ones would make such promises but the crux of the matter is--Can they be enforced and are there provisions for the enforcement of these particular rights? In the Soviet Union and the Eastern European countries, as they are developing, it has been provided, without a qualification, that the State shall enforce these rights or else it becomes liable in court. Any ordinary citizen can sue the State in court if work is not given to a particular citizen, if education is denied to him by the State, if provision is not made for old age pension, for sickness benefits and so on. I know that but I shall not here compare the Soviet Union or the countries of Eastern Europe with the India of to-day because the countries of Eastern Europe are fast developing towards socialism, and in the Union of Soviet Socialist Republic socialism has been established and they are advancing towards communism. I know of course that there are gentlemen in the Congress, among the leaders of the Congress, who think so, as we have just now heard Dr. Ghosh, when he said that he has found Democracy in the United States of America and he also said that the Soviet Union is a totalitarian State. It is a new discovery Even Pandit Jawaharlal Nehru did not wish to say this The Indian National Congress did not use to say this a few years back, I remember, because at that time they were against Fascism and were on the side of Democracy but to-day they have changed sides. There is the volte face, and therefore it is quite right, as Dr Ghosh says, that our friendship must be primarily with a democratic country, that is the United States of America, where capitalism reigns supreme. For economic justice and the well-being of the citizen two fundamental economic principles are cited in the Constitution in Part IV, Section 31 (*ii*) and (*iii*). The ownership and control of the material resources of the community should be so distributed as best to subserve the common good and the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. In the capitalist structure of society, when the means of production are in the hands of a few as in India and in all capitalist countries and do not belong to the State, profit is the prime motive of production, and, through the inexorable law of capitalism, whilst there is concentration of wealth on one side there is relative and absolute impoverishment of the masses on the other. Thus in the richest capitalist State of America, the new-found friend of the Indian Government, there take place crises of over-production *not* under-production, that is, we find that every 10 or 15 years things are produced in such great excess that coffee has got to be burnt, wheat has got to be given to the cattle and fish has got to be thrown back into the sea. Knowing all this together with the aforesaid honeyed phrases given in the Directives, the Constitution makes it clear that the State is not bound by law to enforce these principles. These directives are therefore not justiciable. In fact these were incorporated in the Congress Election Manifesto of 1945-46. I wonder what has happened to that Manifesto. I wonder what the gentlemen sitting opposite in the Congress Benches have to say about that. Of course it was very pleasing then. It was a pleasant surprise to hear here to-day that at least there are one or two gentlemen still in the Congress who have the courage to speak their minds here in the Assembly against what the Congress Governments are doing in all the Provinces and in the Centre. But I find, true to what has been stated in this Constitution, the Indian Government

has made it quite clear that for ten years to come there shall not be any nationalisation and private capitalist interests will not be touched. And, yet, hypocritically it is stated in the directives that it shall be seen that there is not too much concentration of capital. I wonder how they can see that there is no concentration of capital by at the same time allowing private capital to do business as it likes and by allowing private capital to go on for the next ten years to exploit India and India's labour as best as they wish. Thus, in short, with regard to the common man's livelihood, namely, health, education, leisure and other rights and with regard to equitable distribution of wealth and public ownership, of the means of production, the Constitution gives merely Directives and makes it clear that these are not justiciable and the State is not liable in court. But with regard to the five per cent. handful of vested interests, the Constitution makes more positive provisions advantageous to them. Here there is a government that knows its mind; the framers of the Constitution know their mind. Thus on page 11, section 24(2) on the subject of "Right to Property," clear provision is made that "no property, movable or immovable, including any interest in, or in any company owning any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes without compensation being paid to the owners". This protection is afforded also to British and other foreign capitalists that their concerns shall not be taken without paying them compensation. It means in practice no nationalisation of basic and key industries on the plea of lack of capital. It must protect by law British capital amassed through loot and through the naked, shameless, direct brutal exploitation of the people of India. It is a guarantee in advance to the newcomers, i.e., the American Imperialists for the establishment on Indian soil of its predatory rule. In section 256(2) it is equally laid down, as has been pointed out, and the Draft Constitution Act has so provided that the rich and the poor will have to make the same sacrifices, that is, in regard to professions, trades, callings, etc., where it is said that taxes on professions, trades, callings and employments shall not exceed Rs. 250 per annum whether one earns a lac of rupees per month or Rs. 400 a month. In section 92(5)(c) in relating the procedure in financial matters it is laid down that "debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges," etc., shall be expenditure charged to the revenues of India and shall not be submitted to the vote of Parliament. Thus interest charges on Railways must be continued to be paid to the Indian and British bond-holders although the British Imperialists have been paid in full for this industry which they established for exploitation of this country. Similarly ordinary Indian must continue to pay interest on loans raised from the rich by the British members for carrying on the enslavement of India. I wonder what our patriotic Ministers would say about this particular aspect of the Constitution. Last but not least, in this matter of the future, whatever the government might borrow for its industrial ventures for paying compensation to zamindars, indeed the burden must be borne by the Indian people. Indeed a paradise is being ensured for Indian and foreign bond-holders, for the capitalists and zamindars and other parasites of society.

In sections 283 and 285 in the matter of higher services it is laid down that the old rules as under the British are to continue, and half the members of the Public Service Commission shall be persons who have held office for at least ten years under the Government of India or the Government of a State. Servility to the British Government could not go further. In spite of hypocritical talks about 1942 and war against the British Government our leaders are falling at the feet of the British and honouring them by ensuring that officers trained under them, officers who were responsible for drowning the people's movement in blood must continue to build a new India, and, as such, their services are required for a new India and a free India as it has been made out.

In the constitution special provisions and safeguards have been provided for the Rajas, Maharajas and Nawabs and the continuance of their rule under section 128 against whom we have had so many fulminations from the Congress leaders for the last so many years. These in brief are some of the examples to show the constitutional safeguards that are being provided for the Rajas and Maharajas, for the zamindars and capitalists, and other vested interests. In unmistakable terms are the States' peoples, the workers, kishans, the middle classes being bound hand and foot to the rule of vested interests. In the constitution is reflected the treacherous deal of the Congress leadership with British Imperialism to divide the country, to bar the way of a people's revolution and tie India's fate with our past masters and the American capitalists, although it has been made out that it was a bloodless revolution which we have achieved. We know that so much blood was never spilled in any revolution anywhere in the world. That is why it is still debated whether we shall remain in the Commonwealth or not, the Commonwealth that has been built through rivers of blood and human suffering by highway robbers from Great Britain. Of course, Dr. Ghosh has been trying to tell us that this question is superfluous, because we will be in an independent state, and it shall be decided by us as to what relation we should have with other independent states in the world But it is not such an easy matter as that because we find in the Preamble a footnote has been added in the Draft Constitution which says that the question of relationship between this democratic republic and the British Commonwealth of Nations remains to be decided subsequently. Now here it will be noted that the name of no other country is mentioned—Soviet Russia, countries of Eastern Europe or France or any other country is mentioned but only the British Commonwealth of Nations is mentioned. So far back as in 1939 it was decided by the Congress that India shall be a free republic, but once again this question is being debated and raised before Indian people. That shows which way the wind is blowing and that we are willing to tie our sails with British Imperialism and American capitalism.

Although adult franchise has been recognised, yet the rules are framed in such a way that it becomes wellnigh impossible for the toilers to challenge the rule of the rich few. Thus we find that instead of 18 years at which one is eligible for becoming a member of the Congress, 21 years has been fixed for right of voting. The old reactionary leadership fears the youth of our country. The constituency is being so divided that for the election to the Lower House at the Centre, on the average six lakhs people will constitute one constituency. In a poor country like ours for a non-Government party to contest elections would be extremely difficult and costly. Similarly for the provincial Lower Houses huge constituencies are being provided for. The other House of Parliament, that is the Upper House or the Council of State, shall consist of 250 members of whom 15 shall be nominated by the President for their so-called special knowledge. The rest will not be elected directly by the people. But about 94 will be representatives of Indian States and we know what kind of provision has been made under this category, as I have already stated. With regard to the elections of these States' representatives the nominees of Rajas, Maharajas and other vested interests will be sent to the Council of State. The rest 141 will be elected by the Lower Houses of the different provinces which we have seen will be weighted against people's representatives. As there is no system for proportional representation the majority party will send all its representatives to the Council of State. It is provided in section 87 subject to money and financial bills a bill shall not be deemed to have been passed unless agreed to by both Houses. It is impossible to understand the significance of this Upper House except that it is a further guarantee against progressive legislation. Had India like the Soviet Union recognised the rights of nationalities, then a second House with co-extensive

powers would have a progressive content. In the provinces too, although not yet settled in which ones, provisions are made for a second House in clear violation of the Congress election pledge.

India is a country composed of different nationalities like the Bengalis, Beharis, Assamiyas, the Oriyas, etc., but in the fight against British Imperialism there grew up unity and oneness. Now democracy and the flourishing of national cultural and material well-being of the people of the Indian Union demand the right of self-determination for each unit, and it is only on the basis of this that fraternal co-operation and rock-like unity among the different provinces are possible. The Congress also recognised this need in the past, but today there is a volte face and more and more powers are being concentrated in the Centre and residuary powers are being denied to the provinces. All this will only weaken real people's unity and ensure discord and backwardness among the nationalities and help a very small section of the all-India capitalist class who have no country because the whole of India is their ground for profit-hunting and they will live, as they do now, by dividing the people and thereby ruling over them.

We find that it has also been decided that the two languages, English and Hindi, will be used in the Centre. It is impossible to understand how the Congress Government can establish this particular rule or this particular law, because in that case it would be impossible for the ordinary rank-and-file men or women from Bengal, the representatives of the kishans and workers, to go to the Centre and speak out their mind, and take part in the legislation which takes place there. Therefore in this constitution it is taken for granted that they do not visualize that ordinary people will go to the Centre to take part in the deliberations, and that is why they are riding rough-shod over the interests of the common man. We do not understand why the Bengali language should not be used there, and why there should not be translators who will translate them either into Hindi or into English. The framers of the constitution are well aware that not for long can this reactionary constitution of India save the vested interests, both Indian and foreign, from the wrath of the people. Therefore whilst enumerating the essential freedom of speech, freedom of writing, etc., in section 13(1) it is provided that the existing laws with respect to these matters shall continue and fresh laws restricting these rights can be enacted like the law of sedition, the Emergency Press Law, the Security Acts as they prevail in all the provinces of India, the Criminal Law Amendment Act which can declare any organisation illegal at the will of the Government as the Communist Party of West Bengal has been declared illegal. We know that today everywhere in India these particular laws prevail together with the Security Acts. I do not understand as to what particular special provision is made in the Draft Constitution making adequate provision for freedom of speech, writing, meeting, etc. What is given in the Draft Constitution was there for us even under the British because they told us, "Your are free to say whatever you like but there are Sedition Acts, there are other ordinances under which you shall be locked up in jail". The same thing prevails now as I see under the Draft Constitution.

Then not satisfied with thus making nonsense of all the fundamental rights of citizens it is further provided in section 102 that the President will have the power to promulgate ordinances when the Houses are not in session. He can do it at his will and nothing is defined as to under what circumstances he can do so. It can be done in peace and in war. But the Congress leaders are being haunted by spectre and therefore in section 188 it is provided that if the Governor of a State is satisfied that an emergency has arisen threatening peace and tranquillity of the State, then he may suspend the Constitution for two weeks and bring it to the notice of the President who may take appropriate action. The President

again by section 275 has been vested with supreme power. Thus if he is satisfied that India is threatened with war or domestic violence he may do anything from suspending the Provincial Constitution to taking away the powers of the High Court like the power to hear a petition on *habeas corpus*. This assumption of power by the President may continue for six months without reference to Parliament and if it be accepted by Parliament may continue in force for three years. We have seen in peace time how in all the provinces in India, on the plea of domestic violence lawless laws have been in operation and hence this is the objective based on practical experience of the Congress for which such fascist provisions are being made in the Draft Constitution of a so-called free India.

Whilst this Constitution was being drafted and celebrations organised on our freedom, whilst every old promise was being broken by the Congress leaders and new ones were being made taking advantage of the simple faith of our people, a frightful harvest was being prepared for our people in keeping with this authoritarian Constitution prepared by British stooges ensuring the rule of capitalists, both foreign and Indian, the rule of landlords and other parasites. The people were nowhere in the picture and when some rights were being given by one hand they were taken away by the other. For misleading them there were certain directives but there were no rights under the Constitution. The kind of life that the Constitution will usher in can be seen from the brief survey of one year of freedom. In connection with the people's movements there have been since last one year firing in more than 40 places all over India, lathi charges in more than 70 places; section 144 has been clamped at one time or other in every province in India practically in every district in every province. All these were of course excluding those in connection with communal disturbances. These are in connection with people's movement for food and clothing and over 2,000 people are detained without trial for leading worker and kisan struggles. Five of our people—Communists—have been murdered in prisons throughout India. Whenever there is an industrial dispute the Government has almost in all cases sided with the owners and helped them with the police.

Sri SUSIL KUMAR BANERJEE: On a point of order. Is it relevant?

Sri JYOTI BASU: In short civil liberties have been destroyed all over India. On the advice of capitalists decontrol was accepted by the Government to enable the profiteers to make more profits. Prices of every essential article have been allowed to shoot up and bring misery and starvation to the people, and yet Dr. B. C. Roy, the Prime Minister, yesterday had the audacity to say in this House while speaking on the Constitution that there were people in India who wanted Rs. 300 from Rs. 30.

Sri SUSIL KUMAR BANERJEE: Is it parliamentary?

Mr. SPEAKER: Will you please speak in a more restrained language? Do not use the word "audacity".

Sri JYOTI BASU: Is the word audacity unparliamentary? I want your ruling.

Mr. SPEAKER: Yes, it is unparliamentary.

Sri JYOTI BASU: It is unparliamentary? Very well, I had no knowledge that that word was unparliamentary.

Janab ABDUR RAHMAN SIDDIQI: May I rise to a point of order. The word audacity has been used in parliamentary debates. Audacity, temerity, hardihood, and so on were never declared unparliamentary before. On the other hand the words villain, rat, traitor and so on have been permitted. May I beg of you, Sir, to show kindness, to show mercy

even to people speaking from the opposition benches. "Audacity" to be declared as unparliamentary would mean ordinary words should not be used unless they are in praise of the powers that be.

Mr. SPEAKER: It is only in reference to the context that the word is unparliamentary. So far as the words villain, rat and traitor are concerned, certainly they are unparliamentary. They should not be used.

Janab ABUL HASHEM: They were used yesterday.

Mr. SPEAKER: Objection should have been raised then. If objection was taken I would have ruled them out then and there.

Sri JYOTI BASU: Mr. Speaker, I of course accept your ruling, but I should say that if the English language is shut out in this manner it would become a little difficult for us to go on speaking in this House. Then I should say that Dr. B. C. Roy, the Prime Minister, a gentleman who owns many businesses, earns lakhs of rupees and charges black market fees for being a physician, told us in this House and had a fling at the people and said that they wanted Rs. 300 from Rs. 30, they wanted less work and more pay, and so on and so forth. It is a vile slander on our people to say that they are behaving in this irresponsible manner because we know that if the Government has failed in its duty then the people have every right to tell the Government to control the profits of the rich and to see that cloth and food are given to the people so that people shall not die of hunger in the streets. It is in this connection I was showing that in the Constitution no provision whatsoever has been made for the control of profits, for arresting industrialists, nothing for the confiscation of the property of the rich, but every provision has been made to save the State for the rich from the hungry, ill-clothed masses of the workers, *kisans* and the poor middle-class. It is this achievement of the Congress Government which finds expression in the Constitution and hence it should be rejected *in toto*. The people have to move forward to build a truly democratic Republic of workers, *kisans* and oppressed middle-class which will sever all connections with British Imperialism, which will ensure without reservation adult franchise, proportional representation, civil liberties, people's livelihood, education and health, abolition of all oppressive legislation. All nationalities must have full right of self-determination and the Indian Union must be a voluntary union of all the people. Full rights for minorities must be assured, specially the backward communities. Indian Rajas, Maharajas must quit, nationalisation of all lands, key and basic industries without compensation must be ensured; land to the tillers and workers, control over industries must be guaranteed; old administrators must be replaced by people's representatives and a democratic army must be built up and the people must be allowed to bear arms. Unless this is done, however much we may mobilise the whole press of India, however much the India Government through its radio and propaganda machine—it has almost become the Goebbles-like propaganda machine—, however much they may trumpet that this is a democratic Constitution of a free India, we know that the people will look round and see, whilst the Constitution was being framed, what was being done by these very people sitting in power in Delhi and other provinces. It will be seen by the people that they have been letting loose hell on all sections of the poor people. Even middle class people have begun saying that they can buy fish in the market only for 2, 3 or 4 days in the month and not more than that. It has become impossible for the people to carry on. That is the kind of life which the people are living of late. Of course it will be said by the framers of the Constitution that everything is O.K. in the constitution, but it is only these people who are clamouring for more wages who are at fault. But I do say to these gentlemen sitting in power and earning thousands and lakhs of rupees and their friends, the black marketeers and profiteers, that it is they who have created these famine

conditions in India. It is they who have decontrolled things and thereby made the cloth merchants get about 100 crores of rupees in about 3 or 4 months, and whose policy it was that contrary to all advice of the people the Congress Government all on a sudden decontrolled things on the advice of their capitalist friends. Therefore true to the tradition which the Congress has been carrying on for the last one year this constitution has been framed in the same light and as such I am sure that if it had been sent to the factories and fields as was done to the last draft constitution of Soviet Russia—to get their opinion on the draft constitution, if that was done to this constitution instead of merely sending it here to us, then we would know what the verdict of the people would be. What they would have asked the Congress Government to do would be to reject this constitution *in toto* and frame a proper, decent constitution under which a really free and democratic life could be built up in India.

Sri BIMAL COMAR GHOSE: Mr. Speaker, Sir, although I would not say that the Constitution that we are discussing here is an ideal one, I cannot help feeling that a lot of criticism that has been levelled against it is neither relevant nor justifiable. For example, much has been said about certain scales of salaries which figure in a Schedule to the Constitution. I suggest, Sir, that that is not, although it is in a Schedule, an essential feature of the Constitution, and the Constitution is to be judged by its character. What is the character of the Constitution? It is certainly not a socialist Constitution; it is not based on the assumption of a class-less society. Much of the criticism therefore which my previous speaker levelled against it is beside the point; nor did he during most of his speech speak about the Constitution itself. Sir, the character of the Constitution is a democratic one; it is not against socialism; it does not prevent my honourable friend Mr. Basu or his associates from acquiring power and getting the kind of State that he would like to have. The only thing is that he cannot come into power unless he can get the backing of the people behind him, and he has to get it not by revolutionary methods but by persuasion and propaganda. The character of the Constitution is not that of the Russian State. We do not call in political science the Russian Constitution a democratic constitution, because certain essential features that we find in a democracy do not exist in Russia. It is not my intention here to say whether the Russian Constitution is good or bad. That is a different matter; we are not discussing that. What I want to make out is that we have here a democratic Constitution and a democratic Constitution based primarily on the British model. We may not like the British Constitution; that is another thing. But here it is a democratic Constitution based on the British model and its character is unitary. It is not a federal Constitution. Although it was suggested in the Hon'ble Premier's speech that it has a federal structure, it is far from being that. It is less federal and more unitary than the Constitution which we have under the Government of India Act, 1935. For evidence I would cite to you, Sir, the question of residuary powers. Where do the residuary powers reside? They have not been given to the Provinces. In the present Constitution they are left to the decision of the Governor or the Governor-General. But in this Constitution they are vested in the Centre. Moreover, I would refer you, Sir, to Articles 226 and 227. The interpretation that was put upon Article 226 by my honourable friend Sri Haripada Chatterjee was not quite correct, because it is not true that more power was being given to a Chamber which was less representative in character. That is not the intention. If the Constitution is to be suspended, Article 226 provides that it should be declared by a Resolution supported by not less than two-thirds of the members present and voting of the Council of State. The Council of State is representative of the States—that means the Provinces and the States; and therefore, if the Constitution in the Provinces or the States is to be suspended, it is better that it should be suspended with the concurrence of the States' representatives rather than the representatives

of the people who are elected directly to the House of people. But there is no getting away from the fact that these articles give large powers to the Centre. Probably it is not a bad thing. The experience of other countries which have had federal constitutions show that the tendency is towards vesting more and more power in the hands of the Central Government. That is also the experience of America, because if the State laws are varying and different, many complications may arise. Further, in connection with schemes of development or economic plans that may be undertaken, it is much better that planning should be on a Central rather than on a Provincial basis, so that the best results may be obtained. I do not think it is a regrettable feature of the Constitution that its character is more unitary. Again, the reasons why a federal structure or a federal Constitution was first favoured have also gone to some extent; those reasons are no longer valid to the extent that they were when we had a united India. Causes of friction are not so much there today as they were when India was united. The Constitution, Sir, has been drafted, as I have said, primarily on the lines of the British Parliamentary democratic system with certain things, certain sections taken here and there from other Constitutions such as U. S. A. and Australia. Much criticism has also been levelled—probably not so much in this House—that it has been framed on the British model and follows primarily the 1935 Act. But is that a bad thing? That question was examined by Sir B. N. Rau, and in an Article contributed to "The Hindu" on that point he has explained the position thus:—

> "It is undoubtedly true that the Draft has borrowed from other Constitutions and notably from the Act of 1935. But so long as the borrowings have been adapted to India's peculiar circumstances, they cannot in themselves be said to constitute a defect. Most modern Constitutions do make full use of the experience of other countries, borrow whatever is good from them and reject whatever is unsuitable. To profit from the experience of other countries or from the past experience of one's own is the part of wisdom. There is another advantage in borrowing not only the substance but even the language of established Constitutions; for we obtain in this way the benefit of the interpretation put upon the borrowed provisions by the courts of the countries of their origin and we thus avoid ambiguity or doubt."

Although, therefore, personally I have nothing against borrowings, I cannot help saying that certain things have been adopted in the Constitution which should not have found a place therein and they would not have found a place therein if the draftsmen had been a little more careful. One cannot help feeling that the Constitution has not been drafted with the amount of care that it deserved.

For example, certain things have been incorporated which only complicate the Constitution. Thus, provisions have been taken from other Constitutions, e.g., the provision in the first place of elected Governorship on the lines that obtain in America. Now, that provision does not fit in with the other provisions of the Constitution which is primarily based on the British model, because there the elected Governor forms the executive. Here we have the Council of Ministers which really forms the executive, although the figurehead is the Governor. Moreover, whether the election is direct or indirect, I believe we shall be faced with the same difficulties.

Then, again, take Articles 83(*1*)(*d*) and 167(*1*)(*d*) which have been taken from the Australian Constitution and which provides for disqualification of membership of the Legislature. Here certain difficulties ensue. The provision is to this effect: that a member of the House of People or a Legislature is debarred from seeking election if he is under any acknowledgment of allegiance or adherence to a foreign power or is a subject or

citizen or entitled to the rights and privileges of a subject or a citizen of a foreign power. The difficulty arises on this ground that where a person is also or will become the citizen of a foreign power but not by his own volition. If other foreign powers make such laws, for example, offering citizenship to any one who has been residing in that country in a particular year or during a period, irrespective of whether that person has signified his assent to becoming a citizen of that country or not, he will have acquired citizenship of that foreign country. In the peculiar circumstances of India where we have division of the country, this may not work so satisfactorily as it may be working in Australia where conditions are different.

In the second place, Sir, as I said, the Draft follows primarily the existing Government of India Act and I also said that there was nothing regrettable in that. But in certain provisions this Act or the provisions of this Act have been taken *in toto* with rather unhappy results. I would refer you, Sir, to Article 3 which has reference to the Succession Act or Article 25(2) and Article 115 which have reference to certain writs of *habeas corpus*, *mandamus* and so on, or Articles 85(3) and 169(3) which have reference to the privileges that exist in the House of Commons. Now, a Constitution should be sufficient by itself and should not require reference to laws either within British India or of some foreign countries for its elucidation, and therefore, I think, that it would be much better if the law is specifically mentioned as to what it should be and not explained by reference to certain other Acts which we had previously or which obtained or obtains in certain other countries; because those Acts or laws may also be changed or modified by those countries so that when an interpretation of this would be necessary one would have to go into the history of that Act and find out as to how it stood at the time the draft was enacted. That, Sir, would introduce unnecessary complications.

Then I would like to say something about the fundamental rights. There is no getting away from the fact, and here I agree with the observations made by Sri Jyoti Basu, that the fundamental rights, as has been prescribed, are too much circumscribed. Section 13 describes fundamental rights, but each section has a proviso to it which takes away some of the rights that are given. In particular in most of the sections it says that they shall not affect the operation of any existing law. If rights are given then, Sir, they should be given freely and should not be subject to such initial limitations, although a provision may be made to the effect that these laws must be subject, if any amendments are to be made, to the approval of the President. I have also a draft of such an amendment, but as we are not proposing amendments now, I do not think that would be necessary. Sir B. N. Rau also gives an explanation why these rights have been circumscribed. He says "It is true the Constitution of the U. S. A. has not expressly imposed any limitation on free speech but the courts of the U. S. A. have done so in interpreting the Constitution." It may be asked why we cannot trust our courts to impose any necessary limitation instead of specifying them in the Constitution itself. The explanation is that unlike the American Constitution the Draft Constitution of India contains an article which states that any law inconsistent with the fundamental rights conferred by the Constitution shall be void. Unless, therefore, the Constitution itself lays down precisely the qualifications subject to which the rights are conferred, the courts may be powerless in the matter. But Sir B. N. Rau adds that if any particular qualification has been expressed too broadly there will be room for amendments. For my part, Sir, I would rather change that part of the Constitution which creates difficulties in the matter of courts interpreting the rights rather than curtail the rights of the Courts in interpreting them. I should give to the Courts the right to interpret the law and such limitations will obtain as the Courts consider permissible and necessary.

Then, Sir, coming to the fundamental rights, I think the right of franchise should also be included in them. Because that would make the right of franchise also a fundamental right, so that it would be safeguarded by all the provisions that are given in this part of the Constitution for the safeguarding of fundamental rights. In the next place, Sir, much has been said about Chapter IV, *viz.*, directive principles of State policy, and I think the criticism against it is largely justified, although Sir B. N. Rau has also tried to defend Chapter IV of this Constitution, namely, the directive principle of State policy

He says in justification of this Part that it is a fact that many modern constitutions do contain moral precepts of this kind. Nor can it be denied that they have an educative value It will be remembered that in previous enactments relating to the Government of India Act there used to be Instruments of Instruction from the Sovereign to the Governor-General and the Governors which used to contain injunctions, which, if not enforceable in the courts, serve a useful purpose But that is a very peculiar argument I maintain that this part is superfluous and should be deleted. It embodies merely a pious expression of sentiments on the part of the framers of the Constitution Further, we have no right to assume that these expressions of sentiments are to be regarded as eternal or immutable. With time, our opinions about these things may change So I do not find any valid reason as to why they should be incorporated in the Constitution. The constitution of a country should not be burdened with unnecessary provisions

Further, what is implied in Part IV has also been mentioned in the Preamble, where it is stated that the Constitution aims at securing to all its citizens justice social, economic and political, and if you, Sir, read through the provisions of this part of the Constitution, namely, the directive principles of State policy, you will not find therein anything more than is implied in these words "justice social, economic and political". And as the Preamble is the proper place for the expression of such sentiments, I think that Part IV should be deleted, particularly as no sanction or machinery is provided for the enforcement of the principles elaborated in this Part

Sir, the next point I would like to draw your attention to is in regard to industries, trade and commerce. Article 244(*b*), Sir, should also be deleted, for this article leaves the door open for imposing restrictions on trade and commerce as between the States. This may encourage narrow State interest and is likely to be inimical to the interest of India as a whole. The Constitution should not contain in my opinion any provision which may have the effect of endangering the general interest of the country as a whole and encouraging narrow sectional interests, and also for a developed State, this provision can never be in its interest It is again a type of provision which will encourage vested interest in backwardness.

Sir, Article 253 also should be deleted That relates to the taxation on salt. This is a sentimental matter, and I do not think that on grounds of sentiment either the Centre or the Province should be deprived of sources of revenue.

Then, some of the provisions of Articles 264-66 also may be dangerous in certain matters. They provide that if the Central Government should acquire any property—it may be an industry - then that will not be subject to any payment of taxation although if the provinces carry on any industry and if any profits are made, then that would be subject to taxation. If that is so, there is no reason why industries or businesses to be started under the auspices of the Central Government should not likewise be made subject to taxation so that they may be placed on the same footing as other industries under private auspices or started under the auspices of State Governments.

Now, there are certain minor points to which, Sir, I would like to draw your attention. For example, the Constitution does not provide specifically for filling up all vacancies caused by death whether of members of the Legislature or of the executive. I think that should be rectified instead of waiting for other provisions which can come into effect only after the happening of certain contingencies. In the second place, there should be some positive qualification for membership of Parliament and State Legislatures. There are provisions for disqualification, but there is no provision for qualification, at least for the House of People although section 152 has a reference to State Legislature only. The only condition made therein is as to the age of the candidate concerned. But there should be some definite provision to the effect that nobody would be entitled to stand for election unless he is a citizen of the State. There is no provision to that effect now.

Then there is another point in respect of the powers of the President and the Governors. There is no gainsaying the fact that powers that are proposed to be given both to the President and the Governors are too wide. These powers should be restricted. Under Articles 88(c), 91, 97(1) and 93(3), where power is given to the President to do something or other in respect of Bills such as assenting to Bills, the President may or may not do so and may, if he likes, send it to both Houses for a joint sitting. This provision should be changed and "may" should be changed into "shall" so that there shall not be any discretion in the matter. There is a certain provision under which he can withhold assent. That also should not be there.

Sir, another point that I should like to draw your attention to, the last one, is about the amendment of the Constitution. I think there is much force in one of the contentions put forward by Sri Jyoti Basu that this Constitution is being drafted by people who are really not in a sense the representatives of the people because they were not elected on the basis of adult franchise; they have been elected indirectly by members of the Legislatures elected on the basis of the 1935 Act. Therefore, I feel that the provision for amending the Constitution at least for a period of time, say, for three or five years, should be made very much liberal. There is a provision, I am told, in the Irish Constitution which is very liberal. The Irish Constitution as enacted in 1937 contained a provision empowering Parliament to amend it by an ordinary law-making process during the first three years subject to a referendum if the President after consulting the Council of State so directed. I think that considering the circumstances in which the Constitution is being drafted and adopted, the provision for amending the Constitution at least for a period of time, say three or five years, should be made as liberal as possible.

Sir, these are the few points that I wanted to bring to your attention. There are certain other very important matters like the question of boundaries, election of Governors, etc., on which we expect to give our considered opinion as a party. With regard to the provision for taxation as well it is well known that the resources available to the States or to the Provincial Governments are very inadequate.

Certain suggestions will have to be made to augment those resources. For example, there is in the Draft Constitution -if you will kindly look at the Seventh Schedule- Stock Exchanges and the right of taxation of Stock Exchange transactions have been given to the Centre, but, I believe, if it were given to the Provinces that would give the Provinces a good source of revenue. But on those points, as I said, we are not giving our own individual opinion. We would formulate our considered opinion on these points.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

Sri SUSHIL KUMAR BANERJEE: Mr. Speaker, Sir, we are thankful to the Constituent Assembly for giving us an opportunity to express our opinion on the Draft Constitution of India. We also congratulate the Drafting Committee for being able to present a Draft Constitution of India. It is no easy job to prepare a democratic constitution of a sub-continent like India with its varied culture and traditions and immense complexities in the social life of its people. But what we need most is a constitution suited to our genius instead of a Democracy on the notion of the people of Western countries. We wish the authorities will have attention to this fact also. After all, a constitution, however good it may be, must be corrupt if it has not its mobility with the evolution of the people benefited under it. It has been argued by some of the Leftists that there is no substance of freedom in it, it has been a slavish imitation of the British and the United States of American brand constitutions. Free India must draw its inspiration and strength from India's villages. No constitution which does not provide for the intensive participation of the Indian villages in the Governance of India can survive. But whatever slight defect there might be in the Draft Constitution in this respect, years of study of the world's constitutions have been poured into the draft of the Indian Constitution. The result is claimed to be complete, simple and symmetrical structure. And it is a splendid spadework which embodies the best lessons from the working of the democratic constitutions in India and abroad.

The fundamentals of the Indian Constitution have been laid down by the resolution on declaration of objectives. It is more a declaration of a firm resolve, a pledge and an undertaking and for all of us a dedication. The most important factor of the objectives of the resolution is that it proclaims as established the long-cherished goal of Indian Independence. When the new Constitution will come into force, India will have the status of a Sovereign Democratic State. It is just and proper that the authors of the Indian Constitution paid their first attention to the declaration of Indian Independence as a Sovereign State.

Originally, it was the desire that the units shall be autonomous with residuary powers, but India having been divided, the exigencies of circumstances demanded a strong Centre, and it is, therefore, natural that the constitution-makers have changed their original outlook and have recommended that the residuary powers should remain with the Centre and in so far as the Indian States are concerned, the residuary powers would vest with them unless they consented to their vesting in the Centre.

In Britain, the sovereignty of the people proceeds not from the specific constitutional provisions, since there is no written Constitution, but from the general body of the common laws from some of the statute laws, and a host of judicial decisions and conventions of the constitution. It has been an important principle of the rule of law that the rights of the individual form the basis of the Constitution rather than flow from it. Legal sovereignty in the English Constitution rests in Parliament. Political sovereignty resides in the electors or the people and the Parliament is the vehicle for expressing the wishes of political sovereignty. The doctrine of popular sovereignty of India, however, becomes highly anomalous when applied to the Native States. It is desirable in the interest of India and in the interest of the rulers of the States to peacefully transfer the sovereign authority to their subjects. It is quite inconceivable that there shall be different standards or degrees as between the people in the States and the people outside them.

The Draft Constitution has not only guaranteed but shall secure to all the people of India justice—social, economic and political—equality of status and of opportunity and before the law, freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law

and public morality. In other civilised countries, the people had to make revolutions to have one or more of these valued principles, dynasties overthrown and Kings beheaded. But they form the very basis of the Draft Constitution. The general principles of justice, equality and freedom laid down in the Draft Constitution have been elucidated and incorporated into an elaborate list of justifiable rights known as fundamental rights separately.

In the dratt, India has been described as Union of States, the units of the Union of India have been called States, but this may lead to confusion since already there is a class of quasi-States in India known as Native States. But this has probably been done for the sake of uniformity.

Universal adult franchise is guaranteed by provisions in the Draft Constitution and the word "citizen" includes females as well for the barriers of sex have been removed by the general provisions against discrimination in clause 4. In other countries this right has been bestowed on the citizens by gradual process of parliamentary legislation. In the United States, the "constitution does not confer the right of suffrage of anyone." The general conditions of suffrage are left to the decisions of States.

The fundamental rights laid down in the Draft Constitution include the provision that minorities in every unit should be protected in respect of their language, creed and culture. All minorities whether based on religion, community or language, shall be free in any Unit to establish and administer educational institutions at their choice The State shall not discriminate against schools under the management of minorities in providing aids to schools and educational institutions The basis of minorities in the Draft Constitution is religion, community or language, but does not include the case of political minorities The general removal of barrier on grounds of religion, race or sex is insufficient in the case of India where the problem of minorities assumed such a serious proportion that solution on the basis of self-determination to a section of the community to the extent of partition had to be adopted Further, it is necessary specially to give weightage to minorities who are backward like the Santhals and other tribal people It would have been more welcome if the constitution, apart from protecting them, what they have, had given a definite directive to the future State, both to increase and improve the thing, they have to better their lot economically, socially and culturally, should be the foremost item of the State.

There is a school of thinkers who think that the rights of the minorities should be relative, i.e , we must see what rights the minorities are to get in Pakistan before we give them rights in the Indian Union But such a narrow outlook and retaliation are not worthy of a great Constitution like that which has been produced

Another point worth considering in this connection is that the chapter on fundamental rights excludes from its scope the most vitally necessary right in modern societies, namely, that of economic freedom, and though drafted in 1947, it makes no mention whatsoever of the fundamental principle of economic planning, State control or nationalisation. The unfortunate fact is that all provisions for civil and political liberties are meaningless in the context of economic inequality, universal adult suffrage is ineffective to those who are hungry, naked and illiterate.

The equality of opportunity is absurd, where sons of rich men are endowed with special privileges from birth and brought up under spec' '. circumstances. Equal treatment before the law is a farce when so many have not the means to engage lawyers. In the words of our revered leader and Premier of India Pandit Jawaharlal Nehru "many of our politicians, learned in the law, think and talk of constitution and the

like, forgetting the human beings for whom constitution and laws are made. Politics for the dwellers of our millions of mud huts and town slums means food for the hungry and clothing and shelter".

Ordinance-making power in the draft is again another point that raises a vital issue of principle. This power was abused in the past and they can be abused under the new set-up also. Power is always liable to be abused. People have become so used to suing arbitary powers being exercised. The people may be reasonably apprehensive to think that our civil servants will find it so convenient to use short-cut methods by using this power and this power has come to be regarded as almost natural and inevitable on the plea of law and order and safety of the State.

If it is indispensable in the interest of the nation on national and international backgrounds, the draft should be so amended that the ordinance-making power should be exercisable only when the President under Article 276 proclaims the existence of emergency. If the power is to be retained, then it shall not operate for more than six weeks from the date of its promulgation, or two weeks from the date of the Assembly of either House of the Indian Parliament, or whichever period is shorter.

Lastly, in the new set-up of things. In the Draft Constitution of free India, we should not forget local bodies and institutions that directly serve the common man from cradle to the grave. They are the needs of democracy and nursing grounds for true citizenship and civic responsibility in free India and in the sovereign democratic Republic, they are the bastions of democracy They must be provided with adequate sources to pull on their strength.

With these few words I resume my seat

Sri BANKU BEHARI MONDAL: দেশ স্বাধীন হয়েছে। এখন প্রত্যেকেই প্রত্যাশা করে আমাদের দেশের সমস্ত লোকের, জাতির ও সর্বশ্রেণীর লোকের সর্বাঙ্গীন উন্নতি হবে। এটা সকলেই অবগত আছেন যে তপশীলি জাতির মত--এই বঙ্গদেশে তাদের মত গরীব, তাদের মত অশিক্ষিত লোক আর নেই। সেই অশিক্ষিত লোকদের এবং গরীবদের অবস্থার উন্নতি করতে হলে, কি করা দরকার তা' এই Draft Constitutionএ স্বীকার করা হয়েছে--"Every citizen is entitled to Primary Education and the State shall endeavour to provide within a period of 10 years from the commencement of this Constitution free and compulsory education for all children until they attain the age of 14 years" এই সময় আমরা তপশীলিরা আশা করি তাদের জন্য ভারতের নূতন শাসনতন্ত্রে সর্বাঙ্গীন উন্নতির ব্যবস্থা থাকা উচিত। সেই হিসাবে আমাদের শ্রদ্ধেয় বন্ধুগণ যা' বলেছেন ডাঃ সুরেশ বাবু, ডাক্তার প্রফুল্ল ঘোষ মহাশয়, কানাই বাবু, প্রমথ বাবু প্রভৃতি বলেছেন তপশীলিদের জন্য পৃথক আসন বা স্বার্থ-সংরক্ষণের স্বতন্ত্র ব্যবস্থা রাখবার দরকার নেই। এখন আপনারা বিবেচনা করে দেখুন 1935এ Government of India Actএ তপশীলিদের জন্য পৃথক ব্যবস্থা হয়েছে। তার পূর্বে কয়জন তপশীলি ছাত্র লেখাপড়া শিখছে বা Assemblyতে member হয়ে এসেছে এবং এই কয়েক বৎসর ব্যবধানে ক'জন ছেলে লেখাপড়া শিখছে ও শিক্ষা পাচ্ছে, ক'জন আইন-সভায় আসতে পারছে সেটা compare করে দেখুন। শাস্ত্রে বলে (শূদ্র) শূদ্র জাতি, তপশীলজাতি পায়ের থেকে উঠেছে। পা যদি আপনার শক্ত না হয় তাহলে আপনি দাঁড়াবেন কিসে? একটা জাতি যদি নীচে থেকে উন্নত না হয় তাহলে আপনারা দাঁড়াবেন কি করে? (A VOICE: আপনারা চিরকালই পায়ের নীচে থাকবেন এইতো শাস্ত্রের বিধান)। প্রমথবাবু বললেন Draft Constitutionএ তপশীলিদের জন্য পৃথক আসন বা স্বার্থ সংরক্ষণের স্বতন্ত্র ব্যবস্থা রাখবার দরকার নেই। উনারা বললেন যে তপশীলিদের ২৩টি জাতি আইন-সভায় আসে। কিন্তু বিবেচনা করে দেখুন বর্তমান হাউসে অন্যান্যদের তরফ থেকে সাড়ে জাতির মেম্বর আছেন, আর তাঁদের representative memberএর সংখ্যা হচ্ছে তেতাল্লিশ জন এবং তাঁরা এটা জাত হইতে আসিয়াছেন।

Mr. SPEAKER: Order, order. Please address the Chair.

Sri BANKU BEHARI MONDAL: I am sorry, Sir. উনা বললেন যে Scheduled Casteএ যে কয়জন বড়লোক আছেন তাঁরাই সব সুবিধা নিচ্ছেন। কানাইবাবু বলেছেন Scheduled Caste তুলে দিয়ে backward class করা উচিত।

আমি তাঁকে বলি, উনি না হয় একটু backward হয়ে আসুন না, আমরা তাঁকে scheduled caste জাতে তুলে নেব (laughter) আর একটা কথা বলি, শুনুন না মহাশয় এত ব্যস্ত হচ্ছেন কেন (A VOICE—Speaker তো ব্যস্ত হননি—তাঁকে বলুন) হাঁ, তাঁকেই বলা হচ্ছে (prolonged langhter)। আজ দু'শো বছর ধরে আপনারা topএ বসে আছেন। ব্রাহ্মণ, কায়স্থ, বৈদ্য প্রভৃতি উচ্চবর্ণের হিন্দুগণ, যত ভাল ভাল post আছে তা সমস্ত hold করছেন। আজ scheduled caste দু-একটা মাত্র চাকরী পাচ্ছে তাতে আপনাদের এত [গাত্রদাহ কেন? সাধারণতঃ scheduled casteরা তো চাকরীর খবরই পান না। যদি বা পেলেন তাঁরা শুনেন they are not suitable, inefficient. সুতরাং তাঁদের B.Sc., B.A., M.A., Law পাশ করে কি হবে—এইত অবস্থা। আর একটা কথা তিনি বলেছেন যে বাগদি, হাড়ী, ইত্যাদি ছেলেরা লেখাপড়া শিখছে না ও তারা কিছু চাকরী পান না। উনিতো খবর রাখেন না কেবল বক্তৃতাই করতে পারেন। একটী বাগদীর ছেলে scheduled casteএর জন্য নিদ্ধারিত যে scholarship আছে তা পেয়ে Englandএ গিয়েছিল পড়তে, গভর্ণমেণ্টের খরচে, সম্প্রতি সে দেশে ফিরে Bengal Governmentএ চাকরী পেয়েছে। আরও বহু বাগদী, হাড়ীর ছেলে আছে যারা B.A., B.Sc. পাশ করে চাকরী করছে। গরীব জাত লেখাপড়া শিখে যদি একটা চাকরী না পায় তাহলে কিসের জন্য লেখাপড়া শেখা। আজ-কাল কোদাল দিয়ে মাটি কেটে দু'টাকা তিন টাকা রোজ বহু কুলি রোজগার করছে কিন্তু লেখাপড়া শিখেতো আর মাটি কাটা যায় না, সুতরাং তারা চাকরী ছাড়া আর কি করবে? আমাদের বাপঠাকুরদাদার আমলে কেউ বিশেষ লেখাপড়া জানতো না। আমরা ক্রমশঃ লেখাপড়া শিখেছি, এবং আমাদের ছেলেরা এখন শিখছে--B.A., B.Sc., Law, পাশ করছে, এদের মূর্খ করে রেখে কোন লাভ নাই। বর্ণ হিন্দুগণ যে সমস্ত সুযোগ সুবিধা ভোগ করে থাকেন তা সমস্ত তপশীল হিন্দুদেরও প্রাপ্য। তপশীল সম্প্রদায়ের social equalityর জন্য Draft Constitutionএ বহু যায়গায় safeguardএর ব্যবস্থা আছে। They should not be exploited লেখা আছে।

Sri PRAMATHA NATH BANDOPADHAYA : উনি বলছেন safeguard রাখার কথা, কিন্তু আমি বলি জাতিভেদ তুলে দিন।

Sri BANKU BEHARI MONDAL : আসুন না, আমাদের ভিতর। আমাদের সঙ্গে একপাতে বসে খাবেন। আসুন না, দেখি কত বড় বাহাদুরী জাতিভেদ তুলে দেবেন। পাড়াগাঁয়ে চলুন আমার সঙ্গে সেখানে দেখবেন আমি লেখাপড়া শিখেছি, তবুও আমাকে বসতে দেবে না ওদের সঙ্গে এইত অবস্থা। Untouchability is a crime আপনাদের বক্তৃতায় আছে "দেশের উন্নতি হবে না যদি সবজাত সমান না হয়"। কিন্তু ভিতরে গেলে দেখতে পাওয়া যায় অন্য রকম অবস্থা। এখন এই অবস্থার উন্নতি হবে কি করে যদি না আমাদের মত দু চারজন লোক scheduled casteএর representative হিসাবে না থাকে? কানাই বাবু, প্রমথ বাবু বলেছেন যে বামুন, কায়েত, যেই হউক না কেন সবাইকে সমান ভাবে লেখাপড়া শেখান হোক ও চাকরী দেওয়া হোক। আমি তাঁদের অনুরোধ করি তাঁরা একবার Writers' Buildingএ যান, এবং সেখানকার Civil List খুলে দেখুন সেখানে কতগুলি scheduled caste আছে আর কতগুলিই বা বামুন, বৈদ্য, ইত্যাদি, উচ্চবর্ণের হিন্দু আছে—এটা দেখলে বিচার করতে পারবেন। গভর্ণমেণ্টের দু চারটি ভাল চাকরী আমরা পাচ্ছি, তাতেই আপনাদের হিংসা হচ্ছে। (Laughter) (A VOICE: আপনি এইরকম করে বলছেন, আপনিও ত চাকরী পেয়েছেন) scheduled caste না হলে আমি কি এখানে আসতে পারতাম, না বক্তৃতা দিতে পারতাম। 1935 Government of India Act এর পূর্বে কেউ কি এখানে আসতে পেরেছিল। এই Actএর পূর্বে কয়জন তপশীল ছাত্র লেখাপড়া শিখেছে বা শিখতে পেরেছে। গভর্ণমেণ্ট থেকে এখন আমাদের জন্য পৃথক fund ও টাকাকড়ি দেবার ব্যবস্থা হয়েছে বলেই আমরা লেখাপড়া শিখতে পারছি।

Draft Constitution, Article 292, Part XIVতে তপশীলদের জন্য পৃথক আসনের ব্যবস্থা করা হয়েছে এবং Article 305 এ বলা হয়েছে এই safeguard আরও দশ বৎসর বলবৎ রাখা হোক। আমি বলছি এটা বরাবরই রাখা হোক, change করা যেন না হয়। Census সম্বন্ধে আমি দু-একটা কথা বলতে চাই। আগে যে census হয়েছে নূতন constitutionএ এখন Territorial Constituency of India ঐ censusএর উপর depend করবে। Bengalএ last census যা হয়েছে সেটা defective one. এর আগে যা লোক সংখ্যা ছিল তার চেয়ে অনেক লোক কমে গিয়েছে। Draft Constitutionএ 'backward" কথাটা আছে, তার ভিতর ইচ্ছা করলে আপনারা কতকগুলি জাতির list ইষ্ট দিয়ে দিতে পারেন। (A VOICE: কাটা যাবে) কাটা যাবে কেন, backward বলে ঢুকিয়ে দিন না। Draft Constitutionএ scheduled casteএর জন্য যা safeguardএর ব্যবস্থা করা হয়েছে তা আমার মতে থাকা উচিত। গভর্ণমেণ্টের টাকা যত ইচ্ছা আপনারা নেন, তাতে আমাদের আপত্তি নাই কিন্তু backward class হয়ে যারা রয়েছে তারা যাতে পায় তারও ব্যবস্থা করা প্রয়োজন। আমরা দু-চারটা ভুল করেছি তাতে অবশ্য গভর্ণমেণ্ট

কিছু টাকা দিয়েছেন। Scheduled castesএর শিক্ষার নিমিত্ত special grant হিসাবে কিছু টাকা গভর্ণমেণ্ট দিয়া থাকেন, এটা সত্য। আপনারাও ভুল করুন আপনাদের নিমিত্ত—ব্রাহ্মণ, বৈদ্য, কায়স্থ যারা অশিক্ষিত তাদের জন্য টাকার দান বাড়ান, আপনারা constitutional agitation করুন, টাকা নিন তাতে আমাদের কোন আপত্তি নাই। কিন্তু তপশীল হিন্দুরাও যাহাতে সেই সব সুবিধার অংশ গ্রহণ করতে পারে সেই জন্য তপশীল হিন্দুদের জন্য আসন সংরক্ষণ ব্যবস্থা বজায় রাখা দরকার।

Sri ASHUTOSH MALLICK: Mr. Speaker, I rise here today only to say a few words regarding the provisions made in the Draft Constitution of India about the power of the Deputy Speaker in Articles 78 and 159 and *inter alia* Articles 75 and 162 about the power of the Deputy Chairman.

Ever since my election to the office of the Deputy Speaker in this Assembly I have been enquiring into the reasons that led the framers of the Government of India Act, 1935, to make the provision in section 65 of the Act for the creation of the office of the Deputy Speaker for the duties and functions entrusted to it. So far I have been able to find out that the Deputy Speaker is only an ordinary member of the Assembly and he is only required to preside over a meeting of the Assembly "during any absence of the Speaker from any sitting". And for this he draws a salary from the public exchequer in addition to his salary as member of the Assembly. Of course, there is also the provision for the Deputy Speaker to assume all the powers and duties of the Speaker while the office of the Speaker is vacant. But the first contingency in presiding over meeting of the Assembly in the temporary absence of the Speaker may be met by the panel of Chairmen as "determined by the rules of procedure of the House" and the second contingency, viz., the performance of the duties of the office of the Speaker when the office is vacant, may be met by the provision in the Act when both the offices of the Speaker and the Deputy Speaker are vacant "by such member of the Assembly as the Governor may appoint for the purpose". As such a layman like me could not see through the necessity for the creation of the post of Deputy Speaker unless it was for providing a job for a member of the House and thus strengthening the party in power.

In the House of Commons there was no provision for supplying the place of the Speaker during an enforced absence down to 1855. In 1855 on the report of a Select Committee a standing order was agreed to which enables the Chairman of Ways and Means as Deputy Speaker, to take the Chair during the unavoidable absence of the Speaker, and perform his duties.

The provision of this standing order received statutory authority by the Deputy Speaker Act, 1855. The standing order has since been amended by a provision for the appointment of a Deputy Chairman, who, whenever the Chairman of Ways and Means is absent from the Chair, is entitled to exercise all his powers including those as Deputy Speaker.

Whenever the House is informed by the clerk at the table of the unavoidable absence of the Speaker, the Chairman of the Committee of Ways and Means performs the duties and exercises the powers of the Speaker in relation all proceedings of the House, and so on from day to day, on the like information, until the House otherwise orders; except that if the House adjourns for more than 24 hours, his powers continue only for 24 hours after adjournment. Acts done by the Deputy Speaker when acting as such have the same validity as if done by the Speaker.

So in the case of Deputy Speaker of the House of Commons we find that he is the Chairman of Ways and Means and he has got certain allotted duties in addition to his duties as Deputy Speaker and acts done by him when acting as Speaker have the same validity as if done by the Speaker.

Whereas in the provinces in India by virtue of the provision in section 65 of the Government of India Act, 1935, the Deputy Speaker "acts as Speaker during any absence of the Speaker from any sitting of the Assembly" and his function as Speaker ends as soon as he leaves the Chair in the House though he may be required to act as Speaker from day to day for several days continuously. As such he is debarred from functioning as Speaker in dealing with cases that may come up before the House for his decision when he is not occupying the Chair in the sitting of the Assembly.

In the province of Bengal alone after the inauguration of the Act of 1935 the Deputy Speaker presided over the meetings of the Assembly 10 times when Sir Azizul Haque was the Speaker from 7th April, 1937, to 13th March, 1942, 20 times when Mr. Syed Nausher Ali was the Speaker and 14 times when Mr. Nurul Amin was the Speaker. During the short period after my election as Deputy Speaker on the 21st November, 1947, I had occasion to preside over the sittings of the Assembly 7 times. Of course, in these calculations, no notice has been taken of the days when the Speaker was present and the Deputy Speaker had to preside for a short time.

In the period from 14th March, 1942, to 1st March, 1943, when Sir Azizul Haque left for England and no Speaker of the House was elected owing to difficulties not known to me, Mr. Syed Jalaluddin Hashemy, Deputy Speaker, acted as Speaker of the House. But from the proceedings of the Budget session of 1942 it appears that Mr Hashemy at first felt considerable difficulty in getting necessary instructions from the Department for day-to-day work of the Assembly as the Speaker Sir Azizul Haque had not tendered his resignation then and as such Mr. Hashemy had not the full power to act as Speaker. I remember of a case during this period when Mr. Hashemy signed a Bill passed by the House for assent of the Governor and sent the same to the Council for transmission as the Bill originated in that House. The Council Department at first refused to accept the signature of Mr. Hashemy in that Bill as he was the Deputy Speaker and there was no official information regarding the resignation of Sir Azizul Haque. This was of course remedied subsequently by the resignation of Sir Azizul Haque of the office of the Speaker.

I remember another case in which a plane was chartered for obtaining a signature of the Speaker in a Bill passed by the House to be sent to Governor for his assent when the Speaker was staying somewhere in a mofussil town. I am at a loss to understand why the post of the Deputy Speaker has been created when he is not in a position to function as Speaker in his absence in emergencies such as these enumerated above.

Now let me refer to the provisions made in the Draft Constitution regarding the functions of the Deputy Speaker. There I find that the provisions of the Government of India Act, 1935, have been copied without due consideration, I should say, because to my mind the obvious defect in the provision should have come to the notice of the drafting committee if they had applied their mind to it. In making provision for the Vice-President in Article 54 of the Constitution, "absence" and "vacancy" have been taken due notice of and the provision in this section obviates the difficulties that might have arisen if the wordings of this Article had been similar to those of Articles 78 and 159. But I think this result has been achieved only because it has been copied from the American Constitution. I should like that the drafting committee might have followed the American Constitution in regard to the provision about Speaker and President of the Congress and the Senate, respectively, and this should have relieved Deputy Speaker and Deputy Chairman from performing a function for which there is no necessity and thus unnecessarily burdening the public exchequer.

But in view of the provision in Articles 77 and 158 of the Draft Constitution for the Speaker to submit his resignation to the Deputy Speaker whenever any such contingency arises, I think I shall not plead for the case of abolition of the office of Deputy Speaker though I realise that this provision has been made only to keep up similarity with the provision for submission of resignation by the President to the Vice-President, and accordingly I suggest the addition of the following sub-section in Articles 78 and 159 similar to the one provided in Article 54(2) and the renumbering of sub-section (2) as (3):—

"(2) When the Speaker is unable to discharge his functions owing to absence, illness or any other cause, the Deputy Speaker shall discharge the duties of the office of the Speaker until the date on which the Speaker resumes his duties."

If it is thought desirable, similar provision may also be made in Articles 75 and 162.

Mr. SPEAKER: In view of the arrangement reached between the parties it has been decided that there shall be no meeting of the Legislative Assembly on Saturday, the 11th September, 1948, and as such the business remaining from the 10th September shall be taken up on Monday, the 13th September, 1948. The House stands adjourned till 3-30 p.m. on Monday

Adjournment.

The House was then adjourned at 6-50 p.m. till 3-30 p.m. on Monday, the 13th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 13th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble SRI ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 58 members.

Obituary on Mr. Jinnah's death.

Mr. SPEAKER: Ladies and gentlemen, it is with a very deep sense of sorrow that I have to refer in this House to the sad demise of Mr. Mohammed Ali Jinnah, Governor-General of Pakistan. Whatever differences there may have been with regard to the political matters, they have all been hushed into silence on account of and after his death. He was a great Indian and for a very long time he took part in the Indian National Congress and played a very leading part therein. Even thereafter for more than a decade he was the principal actor in the scene of this country and the future historian will write as to what part Mr. Jinnah played in the politics of this country. He was a man of determination, and integrity and he was not a man to be easily converted into views other than his own. It was singular on his part that within a period of about 8 or 9 years, he set up an ideal for himself, pursued with all the determination that a human being can possess and brought it to a successful fruition. He was 72 years old, but the country required that men of experience should have been at the helm of affairs for some time more. It is a misfortune that has taken place so far as Pakistan is concerned. Our sister Dominion will suffer very terribly for want of a man like him. It is simply unfortunate that he has disappeared just at this moment. It is no time for discussing too much about him. We have lost in him a great Indian who made his mark in the history of Indian politics and who will be remembered for a long time to come. I am quite sure that all the members of the House will associate with me in expressing our deep sorrow and condolence for the members of the bereaved family as well as for the Government of Pakistan. Ladies and gentlemen, you will please rise in your seats and assent to this.

(Members rose in their seats.)

The Secretary will now do the needful.

I think it is the desire of the House that this House do stand adjourned and I, therefore, adjourn the House till 3-30 p.m. tomorrow as a mark of respect to the memory of Mr. Jinnah.

So far as the business of the House of today is concerned, it stands adjourned till tomorrow. So far as the time for amendments to the Draft Constitution or, rather I should say, the time for giving resolutions on the Draft Constitution, which expired today at 11 a.m., is concerned, I extend the time for such resolutions till 1 p.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 3-38 p.m. till 3-30 p.m. on Tuesday, the 14th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Governmnt of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 14th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri Iswar Das Jalan) in the Chair, 14 Hon'ble Ministers and 56 members.

Message on the West Bengal Black Marketing Bill, 1947.

Mr. SPEAKER: I have received the following message from His Excellency the Governor under section 76 read with section 75 of the Government of India Act, 1935.—

The West Bengal Black Marketing Bill, 1947, was passed by the West Bengal Legislative Assembly and was presented to His Excellency the Governor under section 75 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947. His Excellency the Governor reserved the Bill for the consideration of His Excellency the Governor-General under section 75 of the Government of India Act, 1935.

His Excellency the Governor-General has been pleased to direct His Excellency the Governor in pursuance of the proviso to sub-section (1) of section 76 of the Government of India Act, 1935, as so adapted to return the Bill to the Chamber of the West Bengal Legislative Assembly with a message requesting that the Chamber will reconsider the Bill and consider the desirability of introducing such amendments as would bring the relevant provisions of the Bill in line with clauses 1(3), 3 and 5 of the West Bengal Black Marketing Ordinance, 1948 (West Ben. Ord. VI of 1948), and would make necessary provisions for maintaining the continuity between the Ordinance and the Bill when passed into an Act.

I consider that opportunity should also be taken to change the year in the short title of the Bill from "1947" to "1948" which has been necessitated owing to efflux of time.

Accordingly, I recommend to the Chamber of the West Bengal Legislative Assembly that the West Bengal Black Marketing Bill, 1947, be amended in the manner stated in the following recommendation and I appoint the Hon'ble Sri Prafulla Chandra Sen, Minister in charge of the Civil Supplies Department, to be the member in charge of the Bill.

In pursuance of the provisions of the proviso to sub-section (1) of section 76, read with the provisions of the proviso to section 75 of the Government of India Act, 1935, as so adapted, I, Kailas Nath Katju, Governor of West Bengal, do recommend to the Chamber of the West Bengal Legislative Assembly that they do amend the West Bengal Black Marketing Bill, 1947, by the adoption, without further amendments, of the following amendments, that is to say—

(1) In clause 1 of the Bill,—

(*a*) in sub-clause (1) for the figures "1947" the figures "1948" shall be substituted; and

(*b*) for sub-clause (3) the following sub-clause shall be substituted, namely:—

"(3) It shall come into force on the date on which the West Bengal Black Marketing Ordinance, 1948 (West Ben. Ord. VI of 1948), ceases to operate."

(2) For clause 3 of the Bill the following clause shall be substituted, namely:—

"3. *Offence of black marketing and penalty.*—(1) Whoever commits black marketing shall be punishable with imprisonment which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to a fine.

(2) The offence of black marketing under this Act shall not be prosecuted without the sanction of the Provincial Government.

(3) In addition to any other punishment, the Court before which a person is convicted of the offence of black marketing shall order the forfeiture to His Majesty of the goods or things (if any) in respect of which the offence of black marketing was committed or an equivalent quantity of the same or like goods or things belonging to the convicted person, or of a sum of money representing their value at the time of the order of forfeiture."

(3) In clause 5 of the Bill, sub-clause (3) shall be omitted.

(4) After clause 25 of the Bill the following clause shall be inserted, namely:—

"25A. *Continuance of action taken under West Bengal Ordinance VI of 1948.*—Any rule, order or appointment made or any notification issued or anything done or any penalty forfeiture, or punishment incurred or imposed or any action taken or any proceedings commenced in exercise of any power conferred by the West Bengal Black Marketing Ordinance, 1948 (West Ben Ord VI of 1948), shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, issued, done, incurred, imposed, taken or commenced in exercise of the powers conferred by this Act, as if this Act had commenced on the 1st day of January, 1948."

Special motion under rule 85 of the West Bengal Legislative Assembly Procedure Rules on the Draft Constitution.

Mr. SPEAKER: Now, we shall proceed with the debate on the Constitution.

Janab ABUL HASHEM: Mr Speaker, Sir, we are grateful to those who are responsible for giving us an opportunity to discuss this Draft Constitution in this Assembly. Sir, I am one of those very, very unfortunate fellows who are of opinion that we, the people of this sub-continent of India, either a citizen of the Indian Dominion or a citizen of what is called Pakistan have not yet achieved freedom and independence. Sir, I am one of those very, very unfortunate fellows who believe that we have not achieved freedom either in form or in spirit. Sir, I am one of those very, very unfortunate fellows who believe that still the white man is ruling this sub-continent just as two hundred years ago the white man's representative Lord Clive ruled Bengal with Nawab Mirzafar Ali Khan on the throne. Sir, looking from this standpoint it appears to me that the Draft Constitution which has been placed before us for our consideration truly represents the white man and not the Indians Instead of bringing in freedom and liberty the Draft Constitution, it appears to me, is designed to rob the little freedom that we used to enjoy during the white man's direct rule. Sir, when we used to hear a Congressman condemning the white man and his methods of administration, when we used to hear a Congressman with all the emphasis that he could command characterise the British administration as a satanic administration, we could never think and even suspect that below his outward utterances there lay hidden so

intense love and admiration for the white man and his method of administration. Sir, it is a pity and a thousand pities that we have developed an art of deceiving ourselves and the world. Sir, this Constitution, as I have mentioned, instead of giving us any freedom and liberty either in form or in spirit is going to rob us of the little freedom that we used to enjoy during the direct British rule. This Constitution, as is apparent from its name and its content, is a unitary form of Government centralising all the powers and depriving the provinces of all their legitimate claims.

Sir, I entirely agree with Janab Ismail of Madras when he describes the provinces to be constituted under this Draft Constitution if accepted as final as glorified District Boards. I am fully conscious, Sir, that in order to maintain the security of the State and to carry it through to prosperity and happiness it is necessary that there should be perfect harmony between all its parts. It is absolutely necessary that a citizen of the Dominion of some remote part may have a sense of equality and equal interest with the rest of India, that is true and I have no doubt either that any constitution that promises to raise India to its highest destiny must provide methods and procedures which will bind us together like brothers and equals and create a common interest in us. For that, Sir, I believe a unitary form of Government depriving provinces of all their legitimate claims is not the proper method. I will, Sir, place before you one instance from the history of the last world war. During the war, against the fascists were combined two forces, the Soviet Russia and the Anglo-American Axis. They were united to fight the fascists. We know the result. During the fight it was considered necessary both by the Russian Government and the Anglo-American Axis to concentrate power and to conduct the war in a very uniform manner so that victory might be assured, but, Sir, we find that the methods adopted by the Anglo-American group and the methods adopted by the Russians were widely different. We all know, Sir, that during the last stage of the war the greatest brunt had to be borne by the Russians and actually it is there that the fate of this battle was finally decided. I do not think that the decisions that the Russians made in this respect were in any way erroneous. Sir, Anglo-American Axis like the present Draft Constitution in the name of common interest, in the name of concentrating power, in the name of maintaining uniformity, deprived all its parts of the powers and privileges they used to enjoy and to concentrate all powers into the hands of a central body. Mr. Churchill, the then Premier of England, was then practically everything, both in form and spirit. On the contrary we find that when Hitler and Mussolini with their fascist forces were knocking at the gates of Moscow, the Russian authorities in their Chamber introduced a Bill which surprised the world. In Russia, as we know the Constitution is not unitary. Whatever may be the character of the Government in spirit, in form it is absolutely based on the principle of freedom and liberty. Every unit enjoy complete autonomy and freedom and even the right to secede. Then, Sir, only two departments of Government were centralised, namely, the Commissariat for foreign affairs and defence. These are the two departments of Government which were vitally concerned with the war and with the winning of the war. Looked at from the standpoint of Anglo-American politics in the ordinary nature of things, there should have been an attempt to retain these two departments at the Centre as also other component units, but we find to our surprise when Mussolini and Hitler were declaring from their house tops to the world that their aggression was not against the entire people of Russia or to rob their freedom and liberty but their aggression was directed mainly against that group and coterie known as the communists who dominate in Russia and oppress the people and suppress their conscience and religion, this propaganda of Hitler and Mussolini made a little headway and created some sort of a confusion in the minds of the people of the vast territories of Russia.

Sir, in order to dispel that suspicion, in order to create an intense confidence in every man that the fight was not the fight for the liberty and freedom of any particular party but for the emancipation of the entire people of Russia the Russian authorities introduced a bill in their Assembly and decentralised these two departments, namely, Commissariat for Foreign Affairs and Defence. While introducing the Bill, I distinctly remember that M. Molotov delivered a very historic speech. Referring to the Bill regarding measures which decentralised the whole form of Government and gave every unit the right to negotiate with foreign powers giving every unit every right to defend or not to defend themselves, M. Molotov said in his conclusion that "We are introducing these measures at a time when no other nation of the world would dare introduce measures of this dimension." Sir, what was the net result? This inspired such confidence among the people that they were more united and by the formal decentralisation there was really an unthought of centralisation in spirit and each Russian who held a gun thought that he was defending himself and his own interest. Sir, we know the result of the war too What I want to submit to you and through you to the makers of the Constitution is that decentralisation does not necessarily mean disintegration Sir, here whatever we may now say or we may not say there are other reasons why we do not express our views openly. It is a fact. If we ask ourselves when we sit alone in our rooms we would get the answer that here in Bengal, Bihar, Madras, Maharastra, in every part they feel that by freedom they expected freedom for themselves also But, here, Sir, who does not know that under the Government of India Act, 1935, the Government of Bengal enjoyed certain autonomy? They had certain powers with which they were for the time being content, but, Sir, it is very very unfortunate that the new Constitution of the so-called free India proposed to rob us of those powers and are attempting to centralise everything leaving us as glorified municipality or a district board. This does not inspire confidence On the contrary this creates a grievance which now in our enthusiasm for freedom may not be clear to us or may lie in us suppressed, but if this be allowed to continue, in that case I have no doubt that the time will not be very far when there will be a widespread discontent So in the interests of unity and harmony, in the interests of equality and brotherhood I would appeal through you, Sir, to the makers of the Constitution to consider this aspect of the thing and take lesson from history.

Sir, if every one is made free and he is allowed to feel that he is actually free, in that case there will be real brotherhood based on common freedom. Here my own feeling and that of others is - whether others express it or not, I know I am in perfect agreement with their feeling—that this Constitution is giving power only in the hands of a particular coterie and a particular group of persons who are now at the helm of affairs. For this, Sir, I am not blaming the makers of the Constitution, as I find clearly the invisible hand of the white man. He is the maker still of our destiny, and I am one of those who believe that acceptance of Mountbatten dispensation by both the parties, by the Congress which is the biggest party, has been the greatest betrayal of the masses of India . . .(the Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: প্রাণটা কেটে গেল ।) Sir, we have been in this Chamber during the last ten or twelve years and we have seen gentlemen adorning the Treasury Bench, but it is unfortunate that never before we saw so much indignity in the Treasury Bench as today. The Hon'ble Ministers ought to know how to maintain their dignity. Today they are there; tomorrow they may not be there; but if the dignity is destroyed once, it will be difficult for others to maintain the dignity and prestige of Government as such. At least we must know how to tolerate others' views and to be liberal. For some time every one will get an opportunity to rise and say anything they like. But while others are speaking, interruption from the Treasury Bench in this undignified manner is very very nasty.

So I think that instead of calling this State sovereign, independent or free or anything else, the best course would have been if the State or Dominion of India were called the Union of Independent Republics of India. There actually we could have found freedom: otherwise, it is no freedom. It is going to be a slavery, only a change in the method, If methods satisfy us, in that case we are free: otherwise, we are as much a slave as we were before.

Now going into the fundamental rights I am still more surprised. Fundamental rights are supposed to be fundamental, the very foundation, the basis and the superstructure of the constitution Fundamental rights guarantee certain rights which cannot be robbed and destroyed, but, Sir, in the very fundamental rights certain rights have been given with one hand but with the other hand they have been taken away. In the fundamental rights we find that freedom of speech, freedom of discussion and freedom of writing are given but at the same time there is a provision that Government will have power to take away these rights as and when they think fit and proper for the security of the State I do not know what is the State. Reading the Draft Constitution I simply feel that by a State they unconsciously mean the party in power So if the fundamental rights are left to be decided as to how those powers will be taken by another constituent assembly constituted on the basis of adult franchise, that would be quite a different question, but here we find in the name of the State the party in power wants to take away the power Therefore the rights that are given in the fundamental rights are actually not given They are mere pious hopes The entire constitution like the so-called freedom and independence of India lies in falsehood and fraud

Next we find another thing in the constitution with which I am concerned, namely, that in the constitution there is a tendency to abolish all personal laws and to introduce some uniform safeguard for all. We were a bit surprised when we found tabled in the Central Assembly a Bill called the Hindu Code, and now we are not surprised to find that by the pressure of orthodox Hindus this Bill is going to be scrapped and placed in the waste-paper basket Sir, the attitude of the orthodox Hindus I do not condemn I have got every sympathy with them because in India the conception of religion is something widely different from the conception of religion of a white man. According to a white man of Western democracy religion simply means a science which deals with the existence of God and His relationship with man, but man's relationship with man is omitted from his religion That is what we find from the standard dictionaries of European languages So religion with them is hundred per cent. a matter spiritual and has nothing to do with social life. And in the matter of private and public life this conception of religion leads the white man into two water-tight compartments of public life and private life. Further the development of this religious conception has resulted in separating the church from the state. So the white man has delivered his private life to the church and his public life to his King, and this is in perfect harmony with their conception of religion But unfortunately here in India it is quite different both amongst the Hindus and Muslims. Here by religion we do not mean simply this According to our concept it has two aspects, subjective and objective Subjectively religion is a mental attitude and objectively it is a social order both amongst Hindus and Muslims., Even in our marriage and transfer of property and law of divorce, etc., we stand on fundamental religious principles. So with us religion takes into its scope cognizance of man's relation with man. So to follow the footsteps and principles of the white man in this country would not be quite suitable. Here to give us freedom of religion, namely, only the freedom of worship in any manner we like, is not enough for me or us if personal laws are taken away. But if the Hindus and Muslims themselves decide to accept some other code in place of their own, it is a different

question, but without consultation with them abolition of their personal laws and introduction of some civil procedure from the top would not be suitable to the genius of the people of India, both Hindus and Muslims. Therefore I think there should be a categorical guarantee for upholding the personal laws of each community.

Sir, last but not the least, I would like to give emphasis upon one more point, namely, the provision for reservation of seats for Muslims and other communities. Sir, let me categorically mention that most of those who originally belonged to the Muslim League Group are of opinion that here in India in the present context of things, under the new circumstances created after the 15th August, there should be unadulterated joint electorate without any reservation. This reservation has got one very bad aspect.

Sir, we say, at least our leaders are shouting from house-tops from Delhi and from other places that India is going to be a secular State where each citizen will have equal rights. Only the other day, here, if I remember aright, our venerable friend the Hon'ble Sri Kiran Sankar Roy declared in this chamber addressing us the Mussalmans. "You Mussalmans are not a minority Only those who are anti-social are minorities. India will now be divided not into Hindus, Mussalmans, Jains and Sikhs. These communities are not going to be minorities. Only those who are anti-social shall be considered minorities and for them there will be no freedom in this country." He said so, if I remember aright, but, Sir, by reservation, I find, we Mussalmans are going to be reduced to a statutory minority because this Constitution does not give them the right to contest general seats. You find in the Local Boards, Municipalities and other local bodies there is a provision for general seats. There everyone enjoys the right to contest general seats, but here we are denied that right We have been reduced to statutory minorities. The number of our seats in the legislatures in the Provinces and the Centre is being fixed and that will be naturally according to population and so we are virtually going to be reduced to a statutory minority I do not like this because so far as separate electorate is concerned, it has got certain merits and certain demerits. It has at least this merit that it enables a community to send its representatives. It has also got reservation of seats and separate electorate. We have already made experiments of these things and the result we all know.

Now, Sir, the Congress Party always declared that all the differences that are visible in India between a Mussalman and a Hindu and all the communal disturbances and troubles that are visible in India are due to the intervention and interference of the third party, namely, the white man, and they held that as soon as this white man will disappear, all these artificial differences will also disappear. Now, Sir, they have got a chance. Let them stand on ideology and make an experiment of their own ideology, namely, unadulterated joint electorate. The other two have been already experimented. Let us see what is the result. If by unadulterated joint electorate we are really able to create friendly relations, brotherly relations and harmony with each other, in that case it is good. Nothing can be better than this. But if, on the contrary, we find that results are not favourable, in that case we may, if you so like, consider the desirability of having some other method. But if it is satisfactory, in that case we shall gain 10 years because if other experiments fail, these 10 years of our valuable time and life will be lost. So, I submit, it is our considered opinion that there should be no reservation and there should be joint electorate. We are very sincere about it and let us make a sincere experiment with it.

So, Sir, these are the main points with which I wanted to deal and my general opinion of the Constitution taken as a whole is, as I have already expressed, it does not give freedom to anybody but it robs everyone of his freedom and, for the time being, makes certain people who are at the helm

of affairs very, very powerful agents of British Imperialism and gives them rights and opportunities to carry out the white man's dictation and robs the whole of India of their happiness, pleasure and contentment, ultimately to create perfect disruption and disharmony, chaos and confusion in this country. So, Sir, I would very much appeal to the makers of this Constitution through you to tell us clearly whether they want to give us freedom or they simply want to rule India on behalf and in behalf of the British people. This they must make clear so that we may understand each other, otherwise, in the name of freedom and independence, thrusting this Constitution upon the people of India will be a fraud and betrayal of the interests of the people of India. This is my considered opinion.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I was listening with very great interest to the words that have fallen from the honourable member opposite, but I must confess that I sincerely regret the harsh words that he used when he said that this Constitution will be robbing freedom of everybody and is a fraud and the people who will be put in power as a result of this Constitution would be the agents of the British Imperialism to carry on the task they left unfinished in this country. I had, Sir, really expected that in this great adventure of giving concrete shape and form to the nation's dreams and aspirations there would be a sincere and warmhearted co-operation amongst all sections of this House and efforts will be made by all sections of this House so that we can make our Constitution living and real, we can give concrete shape and form to our aspirations and dreams. Instead of that, I was sorry to find that destructive criticism, if I am permitted to use that expression, has been made by the member who has spoken from the opposite bench.

Sir, he has referred in the course of his speech to the constitution of England, the constitution of Russia, the constitution of Italy, the constitution of Germany. He has referred to what Mussolini has done, what Hitler has done, what the Russians have done. Sir, in the beginning I would like to say that when we are discussing the constitution of a country it would be wrong to discuss that constitution except in the context of the history of that country. A constitution cannot be grafted on any country by simply taking a leaf out of the book of any other country. We must draft our constitution having regard to the past history of our country, and if I may say so, the suggestions that have fallen from the member opposite deny the history of our country and place emphasis exactly on those points which led to the downfall and ruination of India and resulted in her dismemberment and to subjection to foreign rule.

Sir, what sort of a constitution do we want? The magic name of Deshabandhu was quoted in this House by the Leader of the House. I may say, Sir, that while he was speaking in the Town Hall across the street he said in 1924, "It has been said that I am the High Priest of destruction in Indian politics. If I am destructive, it is because I want to construct; if I am a non-co-operator, I can assure my friends, it is because I believe in co-operation and I believe that no co-operation is possible in this country between a master and a slave." So the first postulate of our constitution-making is that there shall be no master and slave and I can assure my friends opposite that in spite of their aspersions the constitution is being drafted by representatives of people without any shadow of foreign domination whatsoever. There can be no doubt on that point. Sir, Deshabandhu Das further said what sort of a Constitution we want? "We want a free Constitution," he said, "we want a living Constitution—a Constitution in which each honourable man and woman can work as honourable friends." So that was the goal he set before us. Now, Sir, when the task of drafting the Constitution has been entrusted to the people of this country, we must find out how we can give effect to that

high ideal before us. Sir, certain points have been raised in this House, and it will not be possible for me to refer to all those points, but the main point that has been made out during the discussion that we are having in this House I shall try to refer to.

I have something to say about Article 3 which relates to the question of alteration of provincial boundaries. We from this side of the House shall be bringing a resolution on this clause. Sir, I want to make it clear, so far as this clause is concerned, it is the sincere regret of the inhabitants of this Province that their case has not been referred to the Linguistic Provinces Commission. That Commission is examining the possibility of some of the existing provinces to be split up into separate provinces on linguistic basis, but this province has been left out of the terms of reference of the Commission. However much we may regret it, we shall be happy to see that there is an unequivocal declaration in the Constitution whereby this province, if need be, may suggest to the Centre that the portions that are now administratively placed within the area of other provinces may naturally come to this province, if the Centre so think and if the Centre find our claim justified and justifiable. With this end in view I suggest that Article 3 should be so modified as to leave no room for doubt and allow the province of Bengal to initiate her claim in that behalf, if she thinks that her claim may be put forward to the Centre. Therefore, I suggest that the word "affected" in the proviso 2 should be made clear in this manner that a province which shall be affected either prejudicially or beneficially shall have the right to move a resolution recommending to the Centre to take such steps in this matter. If that is not possible, if such an amendment is thought unnecessary, then I think the whole proviso should be omitted altogether. That is what I have to say about this clause relating to the alteration of provincial boundaries.

Now, Sir, I should like to deal with the controversy raised by Janab Abul Hashem about the powers of the province He has said that under the Constitution of 1935 the provinces had certain powers which this new Constitution will not give us. Sir, I have seen that in the new Constitution there has been a tendency to set up a more unitary Constitution and there are provisions in the Constitution whereby the Centre, if need be, can take away some of the powers of the province. Janab Hashem has suggested that this is a reactionary thing. He has suggested that the provinces should be allowed to go about as they like. He has further suggested that the provinces should have free autonomous powers. He has quoted in his speech the example of U. S. S. R. that each State can have the right, if need be, to raise separate army, have separate foreign relations and so on Sir, I can submit that the example of U. S. S. R. does not hold good in this country, because the laws of U. S. S. R. can function only in the atmosphere of that country. We cannot in our country take those powers without producing an atmosphere of terror, an atmosphere of rigid control. If we are prepared to repeat here that atmosphere, then I am prepared to admit that we might as well make an experiment in the manner in which the Soviets are experimenting. But, Sir, I must frankly confess that we are not prepared to go to that length in giving that freedom to the provinces whereby there will be a separate sovereign independent Bengal which may behave in any manner she likes. If we do that, we may see India falling into disintegration and becoming a prey to foreign powers, may be Soviet Russia, may be America or any other power. Sir, it would be unwise for us to allow the provinces to go about their own way. I admit that I would have been more happy if the provinces could be allowed more powers, but I think it would be better to wait and see how things shape and how the provinces in India behave in connection with the relationship between the Centre and the provinces, and then if need be, we can consider the possibility of reviving the present scheme.

Secondly, Sir, Janab Abul Hashem has raised the question of reservation of seats. I would not have made any comments on that matter because

that is a very controversial subject, but I would give briefly my own opinion. Sir, this matter has been discussed and discussed very bitterly without any fruitful results. So I do not want to go into details on that point, but I would—if I am permitted to do so—take you back to the regions of history when the idea of separate electorates for different communities came into the heads of British Imperialists. With what object did they bring into existence these separate electorates? The idea of separate electorates had their first beginnings in 1861 when for the first time Indians were admitted into the Legislative Councils. As soon as Indians were permitted entry into the Legislative Councils, a search began for implementing the policy of divide and rule, and directions were given by the Governor General to see to it that in the Legislative Council different groups and interests were represented, though there was no separate electorates at that time, so that these different groups and interests might quarrel among themselves, and the British might carry on their policy without let or hindrance. Sir, this idea also dominated the Act of 1892. Instructions, despatches and reports made in connection with the Council Act of 1892 contained specific instruction to the effect that representatives should be elected on such basis that there would be representation of different groups and interests, so that they might never come to an agreement and the British people might have a majority. When later on things became more difficult, when Bengal was partitioned in 1905 and terrorist outrages took place, at that time this thing started. Morely in his *Recollections* graphically describes how the danger of Muslims joining seditious Congress ranks, led them to start the M. here—that is, the Muslim here. On the 1st October, 1906, the Aga Khan Deputation took place. On that day Lady Minto records in her diary that a very great act of statesmanship had taken place which would go to influence the history of India a long way. Then the idea was that as the Muslims were backward and had no property or other qualifications to the same extent as other sections of the people, advantage should be taken of their backwardness to separate them from other more politically advanced groups. Therefore in addition to their right to contest general seats they were given special seats, whereby they could have some representatives of their own by means of separate communal electorates. Later on the whole idea was changed, and in 1919 we had complete separate electorates. This policy of division was pushed further in 1935. Instead of Muslims and non-Muslims there was a separate political entity called the scheduled castes and in this way India has been divided into different interests, different political entities, so that the British people might retain their hold.

Sir, everybody, who is acquainted with the constitutional history of India knows that in spite of these limitations placed on the free functioning of democratic institutions the Indian politicians have been able to combine all genuine national interests, Hindus, Muslims and others, and integrate them into one common organisation ready to take power when the time comes. It is well-known that dyarchy was torn to pieces by Deshbandhu in spite of separate electorates. Look again to the working of the Constitution since 1935. The Congress organization, under the Government of India Act, 1935, came into power by winning the elections in huge majorities in many provinces. In these provinces where the Congress was not in a majority and therefore not in power, even in these provinces, different nationalist elements joined together and defeated the purpose of the Constitution. When the Government of India Act, 1935, which acted as an obstacle to the proper functioning of democratic institutions, is going to be set aside and India is free to make a Constitution herself, free from foreign domination, it would indeed be a sorry thing if we again perpetuate in our Constitution the same old sorry tale, the same sorry history of petty group interests asserting themselves and the same miserable story of refugees, of children being fatherless or mothers being bereaved of their sons and windows being deprived of their husbands, if we do not see to it

that the Constitution that we are going to set up does not look at the question from the communal angle and gives joint electorate pure and simple. I welcome the suggestion made by Janab Abul Hashem that he is prepared to make an experiment in joint electorates, pure and simple. That is the ideal that Congress has set for itself to so long. Under the proposed Constitution there will be joint electorates with reservation of seats for only 10 years. If such an experiment is made in the free India of to-day under this new Constitution there is no knowing where to end or whether we shall end at all.

Sir, I have one or two things more to say. I had something to say about the President. If you look at article 62 and compare that with article 144(*iv*) you will find that where the Governor has been asked to form his Council of Ministers, he has been asked to do so in accordance with the provisions of the Fourth Schedule. In the Fourth Schedule there is the specific Instrument of Instructions which says that in making appointments to the Council of Ministers the Governor shall use his best endeavours to select his Ministers in the following manner, namely, in consultation with the person who, in his judgment is most likely to command a stable majority in the Legislature. No such provision had been made in the case of the President. I think there should be some such provision.

Then, Sir, in the case of Member's qualification for membership of the Legislature there is no provision that the candidates will have to be voters. I think that is a vital omission and it should be corrected.

Secondly there is the question of how a citizen's right and a voter's right are to be acquired at the commencement of the Constitution. What is the qualification of a voter. A man can be a voter if firstly he is a citizen; secondly if he is 21 years of age, thirdly if he is not disqualified under this Constitution and fourthly if he is not disqualified under any act that may be made by the Parliament hereafter on certain specified points. Briefly there are two limitations, namely, he must be a citizen and he must be of 21 years of age. Now, Sir, I would like to mention one thing in this connection which perhaps may not at first seem palatable but which is nevertheless very important in the present context. In every country there are provisions in the Naturalisation Acts whereby a State reserves the right to accept or refuse the declaration made by an individual for the purpose of acquiring citizenship. But here it is automatic and there is no right left to the State either to accept or to refuse a declaration made by a person who comes from a foreign State and wants to be a citizen of the Indian Union. I do feel that the process of acquiring citizenship should be as easy as possible, especially at the time of the commencement of the Act because of the great difficulties that have arisen about the refugees in this province as also in other parts of India. But the acquisition of the right of citizenship is one thing and the acquisition of the political right of voting is quite a different thing. Suppose some foreign power at the border of India takes it into its head to send some thousands or lacs of men 180 days before enrolment takes place who are not *bona fide* residents and will go away as soon as the election is over they can, if they so chose, influence in this way the election in a particular territory within the Indian Union and thus have a hand in the legislative matters of the Indian Union with some ulterior motive. Such a situation can arise in the present context of things and therefore it is worth considering whether, in granting voting power to such a citizen, which is a vital right, discretion should not be left to the State, whereby the State may accept or reject the declaration made by a person for the acquirement of the voting right.

Sir, there are two or three small matters on which I wanted to speak but I shall not do so for want of time. I had something to say on the Judiciary and criticise the idea that there could be temporary Judges and the temporary Judges cannot be allowed to practice later on or to say that there

should be no possibility of a parallel Judiciary in the province in supersession of the High Courts. Sir, these are important matters but I would leave it to the other members to raise them if they like.

In conclusion I would like to say that the Constitution can be worked only if all sections of the people are united behind it (hear, hear, from the Muslim benches). I am glad to hear the members opposite agreeing with me that the Constitution cannot be worked without there being a fundamental unity of purpose. Sir, at the risk of being a little bit academic I may refer in this connection to the essay by Bagehot on the English Constitution. He has written that the English Constitution was successful because there was one fundamental unity of purpose amongst all the parties that worked it. I would like to ask whether the different sections of this House are agreed about the fundamental objectives of the Draft Constitution. If we are all agreed about them, we would be prepared to adjust our viewpoints within the framework of that fundamental unity. Sir, in this connection, I may be permitted to refer to Gandhiji himself who declared in the issue of the *Harijan*, dated May 10, 1942, that "when we are untrammelled by foreign or any other authority and free, we shall know how to deal with the day-to-day problems; the arbiter then will be either the sword or the reason." Sir, if we are not prepared to accept arbitration by the sword let us all be governed by reason. Let us put our heads together within the framework of our fundamental unity of purpose in which reason can have its free interplay. If we do not look at our problems from the angle of reason then I am afraid there would be certainly settlement of disputes not by reason but by the sword and sword will naturally be met by sword. Therefore I would request the honourable members opposite not to think of this Constitution as a fraud or as something based on falsehood. If they say so, then, as citizens of the Indian Union, they condemn themselves and also condemn their leaders. I would not expect such a comment from the honourable members opposite. So, Sir, I would end with these words that when we are free from foreign domination after centuries of servitude, let us not miss this opportunity of making our freedom real in the way we think best. We hope, Sir, that in this parliament of free Bengal within free India we shall truly bear the responsibility that is now placed on us and not merely criticise the constitution destructively. Let us put our heads together and send our constructive suggestions to the President of the Constituent Assembly so that our freedom might be real and our hopes might be realised.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Janab MUDASSIR HOSSAIN: Mr Speaker, Sir, the freedom of India is a complex question. It is a vast sub-continent inhabited by men of different nationalities with different and varying degree of culture and civilisation. They differ in material respects from each other. Their outlook of life, their civilisation, their mode of worship and life are quite different. The Hindus are divided among themselves generally into Barnasramis and adis. Thousands of years ago the Arya Sanatanists conquered the aboriginals and reduced them to serfhood. They remain up to this day as pariahs and untouchables. In course of time they have become so much degraded that they consider themselves so low that they always call themselves *chota log*, men of a mean and inferior status. The Barnasramis treat the Muslims no better. They are still untouchables. There is no intermarriage or other social intercourse between them. If any of the Barnasramis happen to adopt Islam or marry a Muslim, they are forthwith driven out from the society and are treated as untouchables and as outlaws and outcastes. These Muslims and Hindu untouchables form a considerable and substantial portion of the total population of the Union of India. In order to isolate the Muslims of the Indian Union the powers that be at the

moment are bribing some of the untouchable leaders by offering them loaves and fishes of office and are thus trying to prevent them from joining hands with the Muslims. But notwithstanding this offer of temptation their share is negligible and microscopic and in fact they have been unable to create any impression on the administration. This bribe of loaves and fishes have demoralised the takers of bribe and have set in motion a considerable ill-feeling against these untouchable office-bearers in the minds of the intelligentsia amongst the untouchables who also expect the same offer of bribe. Mr. Speaker, you will notice that while the untouchables have been offered this bribe, Muslims have been totally excluded from all office, and some say that they will not be taken even as constables or border militia. Mr. Speaker, you can cheat a people only once but you cannot cheat them for all times. Then there is the Hindu Mahasabha. These Mahasabhaites are so many turncoats. They were all in the Congress, but as the Congress posed themselves as custodians of all interests, they seceded, formed and strengthened an organisation and became the sole custodian of Hindu culture and Hindu religion. Their policy is to establish a Hindu Raj where men of other faiths will have no place and if they suffer others to live there, they must live there as hewers of wood and drawers of water and as untouchables. They are frank enough to give expression to their policy and views times without number. The avowed policy of the Congress is to take in and share the loaves and fishes of office and power with those who are নির্যাতিত কংগ্রেস কর্মী to the exclusion of all others and especially Muslims. They imagine that the British Government has transferred power to them alone and not to Muslims or others. This is altogether a hypocrisy of the first magnitude. I cannot imagine a more damned fraud than this much hated idea They are exploiting and dominating the country from the top to bottom. Not only this, the smaller fries in the districts, subdivisions and villages are interfering in the day-to-day district and police administration, and the police and the magistracy are quivering at their behest and sometimes they take the law into their own hands The police and the magistracy think that they are entirely powerless and they apprehend that, if they do not act up to their behest, they will lose their jobs The Muslims of Murshidabad, Nadia and Santipur, of Malda and of Hooghly, especially of Ghoshpukur in Balaghat thana near Bansberia and other places are always in danger of their lives and property and honour and everything which they hold dear and near to themselves The recent incidents at Bahirtali in thana Suti in Jangipur subdivision in the district of Murshidabad, in Jangipur itself, in the Kandi subdivision and other places testify to the barbarities and atrocities practised upon the innocent Muslims by the savage police. It is their policy to compel the Muslims to leave West Bengal——

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: May I draw your attention, Mr. Speaker, to the speech of the honourable member. I want to know which portion of his speech relates to the draft constitution.

Janab MUDASSIR HOSSAIN: This is really a black bill of the first magnitude. These very Congress people had been howling at much more milder bills as black bills and abusing every people right and left as inhuman beasts I now ask those gentlemen what they are doing. All these inhuman and brutal acts are being perpetrated in spite of the best intentions of the Congress on paper. These Congressmen who are hypocrites and *munafeks* of the first water have gone out of their avowed policy as a matter of expediency and have bribed the leaders of the Hindu Mahasabha by giving one of them a very important portfolio and by appointing another as a High Court Judge, and thus tempting them to join their rank so that they may carry on their oppression and nefarious regime without opposition. Thus they have like Satan tempted the Scheduled Castes, they have tempted the Hindu Mahasabhaites——

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, is it relevant to raise all these points in connection with the debate on draft constitution? All manner of things from the High Court Judges to communal oppression and interference with the police and magistracy have been brought in.

Janab MUDASSIR HOSSAIN: They are all relevant. I only ask the favour of allowing me to develop my speech and then you will see the relevancy.

The Hon'ble Sri BIMAL CHANDRA SINHA: I rise on a point of order, Sir. There has been a specific reference to a High Court Judge who has been alleged to have been bribed to join a political party.

Janab MUDASSIR HOSSAIN: Well, you have appointed him as a High Court Judge on that condition.

Mr. SPEAKER: There should not be any reference to High Court Judges.

Janab MUDASSIR HOSSAIN: Very well, Sir. I withdraw, but it is a fact that he was appointed a High Court Judge.

You have tempted the Hindu Mahasabhaites, you have tempted the Scheduled Castes, the Sikhs, the Christians, the Buddhists and in this way you have nipped in the bud the formation of an opposition in the legislature. Sir, I beg to point out that parliamentary government becomes a mockery and negation of all democracy if the party in power manages with brutal frankness to stifle effective opposition in the legislature. In West Bengal in addition to untouchables they have managed to tempt the Anglo-Indians, Indian Christians and even Europeans who always vote for Government blindly. This must be the result of some overt or covert temptation which they expect or have been offered.

Allow me, Mr. Speaker, to quote in this connection an extract from the speech of the Hon'ble Sri Kiran Sankar Roy, now our Minister of Law and Order. He said, when he was Leader of the Opposition, "You may have right on your side, you may have reason on your side, you may have justice on your side, but all these are of no avail if you have no effective vote on your side. Your cry becomes a cry in the wilderness like an abandoned child."

Now, Sir, who are these Congressmen who dominate and exploit the whole situation and position? Whom do they represent? Sir, if you kindly go through the list of enrolled members of the Congress you will find that the number of enrolled members is microscopic in a total population of nearly 35 crores. So far as I know they are not even 3 per cent. of the total population. Therefore, Sir, it is quite apparent that the representative of a microscopic part of the total population is exercising the total powers of the State for the benefit of the so-called নির্বাচিত কংগ্রেস কর্মী to the exclusion of others, specially Muslims. Therefore, Sir, they are totalitarians, Fascists and Nazis and they are even worse. Sir, if you go round the villages, if you go round the townlets, if you go round the towns and cities, you will find that the whole country is rent with party factions and every party faction is hostile to the other. Disunity, communalism and separatism and want of co-operation with each other reign supreme in this unfortunate land of ours. Not only that. Provincialism and hatred of the men and tongue of one province for men of other provinces have raised their heads and the mass exodus from West Punjab, East Punjab, North-West Frontier Province, Sind and East Bengal and other places has complicated the entire situation. Our Indian Union is a deficit area in respect of foodgrains. Nevertheless the original inhabitants will have to feed this vast displaced humanity and rehabilitate them within

their own area. We will have to find employment, business for them and it is the policy of the Government to give such displaced persons preference to all other persons in all walks of life and even free doles and gratuitous help from the tax-payers' money to the exclusion of the original children of the soil. This naturally has generated ill-will, discontent, malice and the cause of friction as they think they are being deprived of their rightful claim and the sources of their livelihood for the benefit of outsiders who had no business to come here. Whether this feeling, this state of affairs is right or wrong, is no concern of ours. A constitution-maker must be a realist and enact measures to bring order out of chaos. That there is provincialism we cannot ignore. There is "Bangal kheda" in Assam, some amount of ill-will in Bihar against Bengalees and there are other facts also. Then there is a demand for Hindu State, there is demand for Sikh State, there is demand for a Mophla State and there are other demands for separation.

I have already pointed out that the entire country is disunited and the outlook of each group is distinctly hostile to the others and is not the same. The population is heterogeneous and not homogeneous. If we closely examine the outlook and aim of each group, it will be clear that they are not in a position to co-operate with each other. Under such circumstances, to yoke together all these people to the wheel of the chariot of a Central power of India which is a vast Continent is a political blunder of the first magnitude. It cannot have one administration. In my humble opinion, all Provinces and States with such adjustments of boundaries as seem desirable should be formed into independent States in order to eliminate these causes of friction. There is a good deal of similarity between all European countries. The European civilization is the same, their religion is the same, their script is the same and there is inter-marriage and other social intercourse between them. Their culture is the same. Geographical unity is conspicuous. Then there should be one unitary Government all over the European Continent, but notwithstanding we find that they are fighting each other like dogs. The two great World Wars have distinctly proved this. If each province be made independent, then Bengal and other provinces will be saved from the exploitation of persons who come from other places. Mr. Speaker, if you kindly examine the real feeling, you will at once realise how intense and keen this feeling is. There is the feeling against Bengalees in Assam, Bihar and other places. There is also the feeling in Bengal and other provinces against outsiders. The constitution-maker cannot ignore the realities of the context and if he does so, I have no doubt that he will come to grief and the Constitution will break down in face of the tremendous upheaval.

As regards security of Provinces and States, let a League of Indian Nations be formed on the line of the League of Nations, and this Indian League of Nations may join hands with the Persians, Afghans and others. If this be done, the Hindu-Muslim question will be solved once for all for Pakistan will come under the same policy. The Indian and other Leagues of Nations may join hands with Far Eastern Nations to form an Eastern bloc of United Nations and I have no doubt India will be the leader of the Eastern bloc of United Nations. Sir, in such a state of things I visualise a Security Council of all Eastern Nations. The laboratory under this Council will carry on research in atomic theory and for forging destructive weapons against aggressors and also for using this atomic power for peaceful purposes.

This is my dream of a constitution from which war and exploitation and domination will be outlawed and this beautiful land of ours "সুজলা, সুফলা, শস্যশ্যামলা" will be a land of peace and harmony and plenty where milk and honey will flow. Such a Province or State will grow and develop according to its own genius by its own people without outside interference. If the provinces be not independent but become subservient to

the Centre and in all essential matters they are governed from the Centre where is the independence. Independence becomes a mockery. Instead of being governed by a few white men you will be governed by a few black and brown men and in no sense they are better than the Britishers.

India lives in villages. Now I come to Mahatma Gandhi. Towns and cities are the creations of the Imperial Pathans, Moguls and British for exploiting the resources of the country. In my humble opinion any constitution which ignores the villages is not worth the paper on which it is written. The unit of administration and constitution should be village, from village we go up to union, from union we go up to thana, from thana we go up to subdivision, from subdivision we go up to district, from district we go up to province, from province we go up to Centre. In order to organise the village and establish স্বরাজ or স্বরাজ and to drive away disunity we organise a village *panchayet* or parliament where all development, welfare measures and disputes and quarrels will be settled. In order to co-ordinate the work of the village there will be a union parliament, then there will be a thana parliament, subdivision parliament, district parliament and provincial parliament and then a Central Parliament for the entire Union. In this way freedom and liberty will be brought at the door of everybody. This was the dream of Mahatma Gandhi, the father of the nation, and I thoroughly appreciate it and call upon all the well-wishers of the country to come and translate the advice to fruition and give it an effective direction and shape.

Mr. SPEAKER: Your time is up

Janab MUDASSIR HOSSAIN: Five minutes more, Sir. As I was saying, instead of doing so we have taken into the hands of demagogues and pedagogues and constitutional *pandits* who understand nothing of the peculiar circumstances and poverty-stricken State and disorganised, disunited and illiterate condition of the country. These constitutional *pandits* are mere babies who understand nothing, who have learnt nothing. They have simply copied the constitution of highly developed, civilized, industrialised and homogeneous capitalistic countries like America, England, Ireland with whom we have absolutely no similarity. Sir, I cannot congratulate these writers who have no originality, who have no brain, who have no imagination and this constitutional draft is a spurious imitation of highly developed European and American capitalistic countries. The people of America and Europe are cent per cent. literate, educated, trained and organised and united. They belong to the same race, class and religion and there is no antagonism whatever between them on racial or religious grounds. If they differ they do so on policy. They are all wealthy and sufficiently well fed and well nourished. Their income is 40 times more than ours. To copy the constitution of such a capitalistic and developed country for a disunited, disorganised, poverty-stricken and illiterate, dumb driven cattle like the teeming millions of India is sheer madness. This shows that our constitution-makers are fond of slogans and platitudes or live in a fool's paradise and understand nothing of their business. Therefore this draft should be rejected *in toto* and thrown into the waste paper basket. We should put our heads together and frame a constitution keeping an eye over the messages, policy and actions of Mahatma Gandhi, the father of the nation, as was done by Khulafa-i-Rashedin after the death of Hazrat Mohammad when an ideal charter was drawn up and given to the minorities. Sir, the western form of democracy is not suitable to our genius. It is foreign to the soil of Bengal or India. We must evolve our own system which should be a wonder of the world. Everyone knows that every village down from ancient times was a self-contained Republic. We must base our constitution over the old ideas of *panchayet raj* in the village. If the Congress, though clothed in *khaddar*, have become fascinated and charmed by the transitory glamour and pomp of western form of democracy and aggressive nationalism which has brought untold miseries to human race and

have thrown the entire planet in the melting pot and has burnt it out and from the effect of which the people are still suffering, if they insist on living in such a fool's paradise and bring in ruin, let them reject the advice of Mahatma Gandhi and adopt American or English constitution. If they do so let them tear off their *khaddar*, they must eat European and American food, they must wear American and European dress and accept their social system in the matter of marriages, courtship, etc., and throw off their camouflage. Under such circumstances if they stick to this demand of imperialistic and capitalistic European constitution, I would urge that the interests of the minorities should be safeguarded by banning caste system, by banning untouchability, allowing inter-marriage and other social intercourse between different communities and banning discrimination in social matters and unless and until this is done there can be no merger of the entire population. It is mere hypocrisy——

Mr. SPEAKER: Order, order; your time is up.

Janab SYED BADRUDDUJA: Mr. Speaker, Sir, I am extremely grateful to my honourable friend Mr. Bimal Comar Ghose and other friends in the Government Bloc for having given a fair and unbiassed criticism of some essential features of the constitution. I can add nothing new, contribute nothing original to the discussion. Mine would be only a rehash of the arguments already advanced, repetition of the same trend of reasonings. Nevertheless I feel after the very unfortunate remarks that have escaped the lips of one of the Hon'ble Members of the Cabinet and the remarks that have escaped the lips of my esteemed friend Mr. Abul Hashim that I should intervene in this debate—perchance I might say something which may have some effect in restoring the relations which have been disturbed by these speeches. I do not agree with Hon'ble Mr. Bimal Chandra Sinha that Indians have been freed from the domination of foreigners after one thousand years. We Mussalmans feel that we are an integral part of India. We are free citizens of a free State, and we have every right to contribute to the political, to the social, to the cultural, to the moral advancement of our motherland, and we feel that the State has got every right to claim our allegiance and we are here to swear that allegiance in the most unstinted manner. We are on trial, and this State also is on its trial. The State has got to guarantee protection to our lives, to our liberty, to our religion, to our culture, to our political and social rights.

Fundamental rights as postulated and provided in the constitution mean that all sections of the people, all conditions of people, irrespective of caste, creed and colour, must have equal rights, equal opportunities, equal facilities for their self-expression. If these fundamental rights are going to be protected, if the guarantees are going to be implemented, if the scheme of political reconstruction is going to be observed, we Mussalmans and for the matter of that any other section of people in India will have no apprehension about all that has been laid down in the constitution, but my esteemed friend Mr. Abul Hashem was referring to the unitary character of the Government. My honourable friend Mr. Bimal Chandra Sinha said something as if an emergency had been anticipated by the constitution-makers and therefore as if we have got to take away the powers of the States and the Provinces and centralise them, focus all the forces into the Centre, rob the Provinces of all power, deprive them of all their legitimate power in order to make the Centre strong. I may here quote passages from Mahatma Gandhi's utterances who was the sole representative in the Round Table Conference on behalf of the Congress. He formulated certain demands and put forward certain proposals there guaranteeing protection to minorities in every possible shape and form. He definitely said there that adult franchise must be guaranteed in the constitution and for the Hindus in Sind, for the Muslims in Assam and for Hindus and Muslims below 25 per cent. of the population in any province there must be protection and safeguards, and that in making appointments to public services due regard must be had to the

claims of the minorities in every possible way, that all residuary power must vest not in the Centre but in the Provinces and States. That was what the great Indian, the father of the nation, formulated in the Round Table Conference and we stand pledged as his followers to redeem the pledges of Mahatma Gandhi. If the minorities want sufficient safeguards, it is because the atmosphere is not yet congenial to the growth of that nationalism that was preached. Unfortunately whatever might be the safeguards in the Indian scheme of political reconstruction of the country, whether under the Government of India Act, 1935, or the Government of India Act, 1919, or any Act that is going to be shaped and formulated to-morrow, the fact remains that the minorities have got to submit to the domination of the majority. Sir, I am not one of those who believes in the quantitative determination of human destiny. I have never believed that 51 per cent. of men however otherwise undesirable they might be, however uneducated, however uncultured, however otherwise deemed unfit, have any right to impose their will on the cherished ideals of national growth pursued by the minority of 49 per cent. consisting of intelligent people, who have a stake in the country, in the economic, political, social and cultural spheres—it is not a reflection upon either the Hindus or the Muslims. When Sir Nazimuddin was piloting the Secondary Education Bill on the floor of the then Assembly, I told him, "To us it is immaterial whether you provide greater representation to the Muslims or smaller representation to the Hindus on the Secondary Education Board. To me it is immaterial because the minorities under majority domination will have no quarter, no shelter, no recognition, no appreciation, no encouragement, no facilities, and no opportunities for self-expression". In every sphere of life, domain of life, field of activity the majority dominate the minority. I told Sir Nazimuddin that in view of the contribution of the Hindu minority, their magnificent contribution to the cultural and political advancement of the country during the last 100 years it was not fair to enact one legislation after another, one political measure after another, one Bill after another brought during the ten years of Muslim League domination of Bengal aiming at curbing the growth of the Hindus and relegating them to an inferior position so that they had to take a few crumbs from the table of the Muslim majority of Bengal. Sir, the same has been the position of the U. P. Muslims. There they had a cultural hegemony of their own, traditions of their own, were the rulers of the land and contributed so much to shape the destinies of the nation for 700 years and brought about a new reorientation, developed a new phase of outlook, a new vision and till their last days they were dominating in the cultural and linguistic growth of the land. What happened to them? They had to go the way of all minorities, relegated to an inferior position. Therefore, Sir, I feel, in the ultimate analysis, constitution or no constitution, the majority have got to determine the character of the Government, character of the administration. Our culture, our religion, our tradition, our social privileges and rights, all have got to be shaped and moulded and determined by the majorities. It is on the good graces of the majority therefore we have to depend. So why all this talk of safeguards. No doubt safeguards are necessary only when we find that the atmosphere has not been very favourable in our country and of course the atmosphere has not been congenial. Thanks to the partition of India to which my friend took exception! To my mind partition has been a cruel betrayal of the minorities not only in Pakistan but in Hindustan. In the name of nationalism and in the name of Pakistan the division of the country was agitated for and achieved and what was the result? On the eve of partition the minorities suffered like anything on account of the communal frenzy engineered and developed by those interested in the division of the country let loose on the unfortunate minorities who were killed like anything and the minorities were used as pawns in the political chessboard by those interested people who clamoured for division of the country. No doubt partition of the country was achieved with so much of bloodshed by doing no good to the minorities. The poor and unfortunate Hindu minority

in Pakistan and the Muslim minority throughout India were thrown into the lurch so that to-day the minorities are faced with a sense of insecurity and frustration as conditions have not yet thoroughly settled in the country.

While discussing the Draft Constitution I will not refer to the administration. To do so will be uncharitable. If the administration failed the Constitution is not to be blamed. Though the Constitution is in the making administrative sins of omission and commission have got to be judged on their own merits. My esteemed friend, Khan Bahadur Mudassir Hossain, very kindly referred to the disturbances that occurred in Murshidabad, I have also come across instance after instance, especially after the partition of Bengal, where the Muslims living mostly on the border districts of Murshidabad, in my own constituency of Jangipur, were the victims of a section of the population who ran amuck and formed themselves into an infurious mob. The mob trespassed into Muslim houses, molested them, assaulted them and tortured them in a way which has absolutely no example in recent times. I have contacted the authorities. I have not issued any statement even now, but I have contacted the authorities. I am seeking constitutional and legal means of remedies. When the time comes for ventilating the grievances on the floor of the House I will do so then, but, at the present moment I shall not confuse the Draft Constitution which we are discussing to-day with the administration. Let not my friends on the Congress benches be alarmed at the suggestion that the constitution should contain provisions for devolution of power, decentralisation of power and that therefore Provincial Autonomy will not function in its best form and shape, in all its pomp, dignity, majesty, charm, fascination with likely repercussions on the growth of nationalism, of real freedom and liberty in the country. Do not run away with the idea that we are going to stultify the Government, that we are opposed to the Government. We here and now pledge to co-operate with the Government in any shape or form and in every possible way only on this condition that the Government also will protect our rights, Government will protect our religion and culture and will guarantee sufficient protection to the poor and unfortunate minorities in India. My friend Maulvi Abul Hashem runs away with the idea that there is no need for any safeguards; that there is no need for reservation of seats at the present moment. I do not know how he says like this. After the partition of Bengal we have seen enough of things to suggest that if there was need any time for safeguards, for protection or guarantees in any shape or form for minorities it is the time at the present moment. Let any Hindu in Hindustan and any Muslim in Pakistan sincerely and frankly ask this question he will have his answer from his heart. Regarding the minority affected in Murshidabad I had contacted the sincere well meaning District Magistrate of Murshidabad. Even District Magistrates have pleaded helplessness, absolute helplessness. One nation or one community or one group or one society is armed with the powers of the Government with men of their own—all due to this Partition and the opting out of officers from one Province under Pakistan to one under the Indian Union and *vice versa*. The officers who changed places like this could not be expected to suddenly transform themselves into angels and to forget all communal recriminations of the past and naturally some of them certainly visited their wrath on the unfortunate minority and victimised them. But I can assure you once again we will be the last men to embarrass the position of the Government. To my mind the character of the administration is immaterial, whether the head of the State is an Asoka, or a Sher Shah, an Akbar, a Nasiruddin, a Salah-ud-din, a Pandit Jawaharlal Nehru or a Mahatma Gandhi, I do not mind, whether it is a bureaucratic administration or a democratic administration or an autocratic administration doesn't matter, but, what is important is that the men at the helm of the affairs should be men who should inspire confidence in the minds of all the people.

It is the man, the human element which is the only thing that counts. But the character of the administration, the secular character, has got to

be fully digested, fully understood and fully applied to a particular country because otherwise there will be no checks and balances, and the vagaries of the administration will not be properly checked. Therefore there is need for a check in a democratic state and that has got to be provided in a democratic constitution. When you vest the President with wide powers, powers beyond calculation and computation, do you think the President is irreproachable or a man of unimpeachable integrity of character? If the greatest of *mahatmas* and *avatars* and prophets could have committed blunders and serious blunders which have affected the destinies of the entire human race, I do not see why the President of the State or for the matter of that the Governor of a Province cannot commit blunder after blunder upon the constitution of the country as a whole. Therefore what I would like to suggest is a provision against the danger as has been provided against in the Russian Constitution. It is the man who counts and not the number of men constituting an Assembly consisting of 37 members or 30 members or 25 members but it is the integrity of character of man which counts. The Prophet of Islam once said, the people will determine the character of the administration the men who are capable of giving a judgment, men of superior discretion, men of superior judgment, men of superior mind, men of superior reason, men of superior imagination, men with superior outlook of magnanimity and generosity who are capable of taking a long view of things dispassionately - the eternal problems of life and death which have affected the administration of the country. Therefore I would say, don't be alarmed. We the Mussalmans who have been here are disillusioned, and it is statesmanship at the present moment which demands that you who have been placed at the helm of affairs of the State by Providence will try not to rub them the wrong way, not to leave the disgruntled minority in a state of submission. Make them your friends, make them your own people, blood of your blood, bone of your bone, and flesh of your flesh. They are children of the same soil; racially, geographically, and linguistically they are your own. I do not know whether there has been a conspiracy behind the scene which has divided Bengal, subdivided Bengal, which has fragmented Bengal and torn it into pieces, which has destroyed its cultural hegemony, political integrity and social unity in a disastrous manner. I do not want to rake up the history since the removal of capital from Calcutta, of organising some forces behind the scene which helped ultimately in dismembering Bengal. In 1905 the father of my esteemed friend Mr. Abul Hashem contacted Nawab Salimullah of Eastern Bengal. He was supporting the movement of anti-partition sponsored by Sir Surendra Nath Banerjee. The Nawab then said, how being a Muslim do you support this movement sponsored by Sir Surendra Nath Banerjee? He said, look at the differences between Hindus and Muslims. Muslims in Eastern Bengal to have a cultural and political hegemony of their own were trying to throw the Muslims of Western Bengal at the tender mercies of the Hindus. Now look at the Hindus of Western Bengal. In order to maintain their cultural hegemony they were now prepared to support the movement for a separate Province, the movement sponsored, guided, controlled and financed by men like Nawab Salimullah of revered memory. When I find that difference between Hindus and Muslims, I am reminded of a Hindu mythological tale. A frog used to take the name of Rama whenever he was in distress. One day Rama went out hunting. Unfortunately for that frog he was struck by Rama but the poor frog did not die and he kept silent. The other companion frogs complained saying, why do you not take the name of Rama? He replied, when Rama himself kills me what can I do? So when the Hindus of West Bengal combine against the Muslims of West Bengal, we have no hope. I do not hope that the Muslim League which were committed to the partition of the country would be able to play the game. The Muslim League was committed to the fragmentation of India knowing it fully well that they constitute 1 per cent. of the population in Orissa, 4 per cent. in C. P., 7 per cent. in Madras and 15 per cent. in Bombay.

Knowing this fully well they were prepared to throw these Muslims who were culturally, morally, politically, physically and socially the same as the others, at the tender mercies of the Hindus. This is the logical conclusion of the theory you have propounded; and today you are saying that the Muslims here are helpless. You have no right to say that because you ought to know that two and two make four and not five. You cried for a homeland and you have got a homeland. I have got yet to determine whether I belong to the Muslim nation or to the Hindu nation. Since the middle ages, today for the last 100 years or more no attempt has been made anywhere to combine communities on a religious basis. Today the Persians constitute a nation, so do the Turks, the Egyptians, the Mesopotamians who belong to the same Arab stock. Are we the Muslims of India living with our Hindu brethren for the last 100 years, racially, linguistically, administratively, geographically, politically and economically different from the Hindus? We pleaded for partition—partition with all its accompanying results, disasters and complications which ravished our motherhood and molested our womanhood—Hindu mothers and Muslim mothers. I am not repeating the story. But this is the result we have got. Just at the present moment it is no use raking up the past, for I want to confine my remarks to the present issue. Let not my friends over there who are placed in that position run away with the idea that they are here to oppose for the sake of opposition. I do not believe in opposition for the sake of opposition. I believe in supporting beneficial legislation and measures conducive to the welfare of the country. I believe in the theory that the communal virus, communal passions and prejudices which poisoned, vitiated and corrupted our lives have postponed the day of our salvation by ten or twelve years. It is high time that the Muslims, the Hindus, the Christians and the Buddhists did pool their resources—material and moral resources—to evolve a new order of things. I plead for a greater India, a nobler India, a brighter India and I plead for a peaceful and prosperous India for all classes and communities where the interests of all groups of society would be adequately represented, each one contributing according to his own light and conviction to the political and social evolution of the common motherland with safeguards for minority interest. Tomorrow or the day after I will show from the Charter of the League of Nations how in the Polish Constitution, in the Constitution of Denmark, Memel and other countries the interests of the minorities were safeguarded; how in the constitution of Hungary and of Czechoslovakia sufficient safeguards were provided for the protection of linguistic, racial and religious interests of the minorities. We do not cease to be Muslims by saying that we are Indians first and then Muslims. I am a Mussalman by virtue of the religion I profess, and I am an Indian by virtue of the geographical unit that has given me my birth; and I am a Bengalee by virtue of the language I speak. I can at the same time be a Muslim, an Indian, a Bengalee and a Murshidabadi just as we can be a father, a son and a brother at the same time in relation to others. Individually that is the position I shall always maintain. It is my submission that the character of the Constitution should have been federal, the residuary powers being vested in the Provinces with full confidence in the people. No individual, however great, can shape the destinies of human beings: it is the Providence which shapes the destinies of human race. Even the mighty British Government has disappeared from India; even the ambitious projects of Dictators like Hitler have disappeared like a house of cards. One after another the mightiest empires all over the world have crumbled into pieces. Look at the heart of Murshidabad, Delhi, Lucknow, Benares and other places, and there you will find the faded monuments of glory amongst the beautiful ruins. We Muslims today present a pathetic commentary of our glories in the past. You Hindus with your glorious past with your glorious civilisation of 1000 years or more had no part to play in shaping the destinies of the nation and in determining the character of the Government. For the last ten years I

have found to my shame, to my chagrin, to my disappointment, to my discomfiture that you Hindus had nothing to do with the administration of the country; you should not have been relegated to that inferior position.

Sir, fundamental rights have no meaning; special privileges also have no meaning unless these special privileges have an intimate, direct, essential nexus, unless they are supported by and based upon fundamental rights. It might be said that even by Ordinances fundamental rights may be set at naught. That is possible but without following the constitution, without following the guarantee, without following the principles of fair play, justice and equity, it is not possible to relegate the minority. Therefore, as I have already submitted, the provisions of the constitution are perfectly in order so far as fundamental rights are concerned. True there have been some sub-clauses, some provisos here and there which say under extreme circumstances the Government has certain power to enunciate certain laws and bye-laws that are not for the time being in force to suit the emergency of the situation. If these fundamental rights are implemented—I can assure my friends I have no fear, I have no apprehension—if Pandit Jawaharlal Nehru, who is a man with clear vision, a man who means well, who is sympathetic to the aspirations of the poor minorities throughout India, a man who will bleed for the Mussalmans, bleed for the other minorities, bleed for the oppressed and depressed classes, bleed for those who are deprived of their rights, if he is there at the helm of affairs, I am sure the fundamental rights, whatever may be the criticism levelled from whatever quarters, would be equally applicable to all and I have every reason to believe that he will rise to the height of the situation, he will make a composite nationality in which Mussalmans will play as glorious a part as the Hindus in India.

About election of the President I want to submit that this election is peculiar. It seems to be rather preposterous that two Houses, one House probably containing 200 people and another containing about 600 or 800 people, will have the same voting strength According to a certain principle that has been laid down, 200 people will have the same voting capacity as 800 people Representatives of the State Legislatures and representatives of the House of Parliament will have the same voting capacity; in other words the House of Parliament will dominate and swamp the State Legislatures. That is, no democratic election at all.

Coming to the position of the Governors of provinces, I was under the impression again that Governors are more or less nincompoops. In the constitution the Premier is the most important man but in order to safeguard against any emergency or in order to meet a contingency that might arise from the breakdown of the constitution or other incidental difficulties that might arise you might perhaps provide in the constitution certain such necessary provisions, but how could the Governor be elected in that way from a panel of four men, selected by the President and indirectly elected by the members of the House If you want to retain the Governor it would be much better if you go through direct election - at least it would be more democratic, more logical, more sane and more consistent with our conceptions of democracy.

Sir, coming to the directive principles, these directive principles are nothing but so many corollaries flowing from the logical propositions incorporated in the fundamental rights. Directive principles are to direct the working of constitution, direct the operation of administration, direct the administrators to put into execution certain things which have been incorporated there. If we want freedom from hunger, freedom from illiteracy, freedom from disease, let the framers of the constitution lay down that. We are here to implement the assurances that they have laid down. As I said, even in Nazi Germany there was no hunger; people never died of hunger when Hitler was at the helm of affairs in Germany in spite of what has been levelled against him. In Bengal in the year of our Lord 1943, under that man-made famine, we found to our dismay 35 lakhs of people were decimated

—out of 35 lakhs 25 lakhs of Muslims due to all the mad policy of a mad Governor, one sinister policy of a Governor who had no sympathy with the Bengalees, who wanted to crush the manhood of Bengal, who wanted to conspire against the talents, against the genius of Bengal. At that juncture the whole Province was landed into disaster. Children were dying in the streets; mothers were snatching away morsels from the children's mouth. That was the position with which we were confronted. We are here to say to Pandit Jawaharlal Nehru's Government, every one of the blessed people who rule the roost, that shape the policy of the Government, that determine the policy of the Government, that we are here to contribute according to our lights and convictions, that we are free citizens of a free State, that we have allegiance to God and to that allegiance all other allegiances have got to be subordinated, that our personal laws shall not be touched, our religions shall not be touched, our cultural hegemony must remain intact and inviolate, but consistent with that only we are here to pledge our wholehearted co-operation with the administration in spite of its defects and shortcomings. If you want to spot out the criminal, we are with you. If there is any trouble in Hyderabad or Kashmir, you have the sympathy of the Mussalmans of India to side with you, to identify with you. After all we are nationals of Indian Union. We are here to pledge our co-operation and support. We are not to seek allegiance, we are not to show allegiance to any other Government in the world. We know from across the East Punjab some Mussalmans were being butchered, from across the West Punjab some Hindus were being butchered. People who bled for partition, who bled for fragmentation, could not help their brethren across the border. We even found to our dismay that our Hindu brothers were butchered in Noakhali; our Mussalman brothers were butchered in Bihar. None of these people here could help the Muslims in Bihar or the Hindus in Noakhali. Therefore no useful purpose will be served by showing allegiance to any other foreign Government. We are nationals of the Indian Union, we are children of the soil. We want to say once for all in the name of all that is holy, in the name of all that is sublime, in the name of all that is sacred, in the name of all that is glorious, in the name of all that we hold sacred in our estimation, that we Mussalmans believe in this Providential dispensation. We Mussalmans are here to co-operate in the best possible form with the State that exists pointing out the defects and shortcomings and limitations in the way of carrying on the administration. Every Government has got its own defects and limitations. There are bound to be many defects, shortcomings and limitations. It is up to them to rise to the height of the occasion and to rectify the mistakes, rectify the irregularities, to rectify the vagaries that may have crept in the administration.

Sri BEPIN BEHARI GANGULI: Mr. Speaker, Sir, I am here to give some constructive suggestions, not destructive. Half a century's untiring endeavour has at last won for India the right to frame her own Constitution. The dominating foreign power has been constrained to yield to the will of the people. The representatives from the people have been elected to exercise the right to frame the Constitution of Free India. This is known as the Constituent Assembly. To frame the Constitution of Free India is however not an easy task. It is a problem bristling with difficulties, which are not yet even partially realised by the cheerful optimists and unthinking enthusiasts, who imagine or believe at any rate that India's political life will automatically fall into a neat pattern as the Britishers have quitted the shore of India.

August 15, 1947, is a red-letter day in the history of India's struggle for independence. Since that date we have attained independence and this is an established fact now. We the Indians are almost free from external interference and are not to depend upon any external forces for the sake of our self-realisation. We stand now on the gate-way of Freedom. Here is the crux of the critical situation which the Indian people have been

confronted with. Now the skilful and dexterous leaders are required to regulate the destiny of India in the proper direction. They will be the proper custodians to make or mar the destiny of free and independent India. Therein lies the true significance of the responsibility of framing a Constitution of a free and just emancipated country like India.

The real nature of freedom has to be taken into account and considered before we probe into critical discussion as to the Constitution of any country in the world, because all rules which directly or indirectly affect the distribution or the exercise of the sovereignty in the State, make up the Constitution of the State. Therefore the Constitution of the country can be framed only when we are aware of the real nature of freedom. The real nature of freedom to Gandhiji was the establishment of not only political freedom but social and economic freedom also. His conception was that it should provide for every citizen the full opportunity for his self-realisation. He was the protagonist of withering away of the State. This should be done not by any violent means but by non-violent methods.

In the context of the above concept of freedom, the Draft Constitution of India, as prepared by the Draft Committee, has somewhat failed to evolve a clear Constitution suited to the genius of Mahatma Gandhi and the people. It is quite apparent that the proposed Constitution is singularly lacking in some respects. It is somewhat created over the ashes of the Government of India Act, 1935. The Draft Constitution runs on federal lines though a strong bias for unitary system can be noticed in it. The centre of political gravity of course rests with the States or the units. In spite of this feature, it lacks the first essential of federalism, viz., the decentralisation of powers. Under the present exigencies of the country the need of a strong centre can hardly be exaggerated but it must not be equated with a centralised system. The desire for unity must not be confused with the desire for uniformity. The present state of things demands a strong centre, otherwise the demand of provincialism and other evils may overwhelm the country. In spite of all these reasons, a strict vigilance must be kept so that the centre being burdened with so many responsibilities does not fail to discharge them adequately. Otherwise the centralised system like this one may sooner or later succumb to Fascist or some such high-handed dictatorship than a decentralised one.

The preamble.—The preamble of the Draft Constitution states that India shall be a "Sovereign Democratic Republic" for "Sovereign Independent Republic". There is not much material difference between the two. As it has already been pointed out that the Constitution must provide for self-realisation and equitable distribution of national wealth so the word "Socialist" should be inserted before the word "Republic". The said Constitution provides for political democracy ignoring thereby economic and social democracy which is the burning and the most vital question of the day. Every Congressman is a votary of "Kishan Majdur Proja Raj" and Mahatmaji, the father of the nation, gave up his life at the altar of social revolution while engaged in doing away with the existing evils of inequality in every sphere of life. So the Constitution must explicitly state the economic and social complexion of the new-born State. So it is suggested that India is to be gradually a "Sovereign Socialist Republic" instead of "Sovereign Democratic Republic".

Citizenship.—The partition of the country has made the citizenship problem a more complex one. The problem for the present is to extend the right of citizenship to non-Muslims who have already migrated to India or who may have to follow suit in the next few years. The said Constitution provides only for those who have already migrated to India. But the peculiar problem of the Hindus in Eastern Pakistan has to be taken account of. So the Constitution must embody a clear provision for the acquisition of citizenship for emigrants from Eastern Pakistan for a few years more from the date of inauguration of the Constitution. The Indian Parliament,

according to Article 6, may by law make the provision for the acquisition of the citizenship. But this is not enough. Therefore the clause should be that a person will be deemed to have his domicile in India if he is habitually a resident of India not less than two years from January of 1949 or a little less or over.

The provision is silent about the minors. That is to say, the children of the fathers declaring not to be the citizens of the Indian Dominion should be liable for it. Therefore a clear provision should be made to this effect.

Part V, Chapter I.—The powers of the President and the Vice-President. - The sweeping and overwhelming powers, both executive and legislative, vested with a President of the Union in Article (3B) have not been judicious inasmuch as it may give rise in future to a great Moghal or a Leviathan before whom responsibility will be very little.

Upper House.—Article 150 provides for the creation of the Upper House. It is argued that it will provide an outlet for a large number of persons who wish to become legislators and thus help party bosses, to have a large field of patronage. Therefore, it is hardly likely that the Upper Houses will be conducive to real benefit.

Section 129 provides for the appointment of the Governor of the State from among four persons chosen by the members of the Assembly. But there is hardly any necessity for any such Governor of the Province. The Governor-General and the Governor existed so long as the Crown existed. Now with the dissolution of the Crown it is better to turn as the Administrator of the Province.

Minority safeguards.—Articles 292, 294 and 305 provide for the safeguard of the minorities by the reservation of seats and posts. In a socialist state there is no room for reservation of seats or special privileges. Every one is equal in the eyes of law. Right man in right place should be the guiding policy of the constitution. Hence there is no need of the existence of this section.

Salary of the High officials.—The prodigious and fat salary for the high officials as enacted has to be curtailed to a limit of Rs. 500 as per Karachi resolution of the Congress and endorsed by Mahatmaji or to any such limited sum.

Before I conclude I will ask all members concerned to take note that in the contemporary world, broadly speaking, there are two different kinds of constitution—the Parliamentary Democratic Constitution and the Constitution of the Soviet Union.

The experience of both the constitutional systems leads one to the conclusion that neither the one nor the other form of Constitution promises to take the world out of the chaos. Parliamentary democracy was considered to be the last word of political wisdom, until the exponents of the Constitution condemned it lock, stock and barrel. So if our goal of self-realisation and self-development has to be made a reality instead of remaining empty formality it should make the provision for the abolition of the vested interest. It ought to make an honest attempt to organise democracy from below, in the shape of the panchayats which will have the constitutional right to control the executive and legislative functions of the State. Therefore the ideal constitution of free India should incorporate the positive liberal aspect of Parliamentary Democracy and also the Gandhian principle of social and economic democracy combined with the really democratic features of other source.

Janab Md. KHUDA BUKHSH: Mr. Speaker, Sir, I am thankful to you and to the Hon'ble the Leader of the House for affording us this opportunity of debating the Draft Constitution of India. I am thankful to him, Sir, for his suggestion that the Draft Constitution should be debated in a free and frank manner and no preconceived notion or bias

should be brought to bear upon it. It is only right that we consider the Constitution which we are going to give to our people with a free detached and dispassionate frame of mind, because it affects the life of the country and the people vitally. This Constitution should be judged by the criteria laid down by Deshbandhu C. R. Das and quoted by the Hon'ble the Leader of the House, self-realisation, self-government, self-fulfilment. We must examine what guidance, what lead the Constitution provides towards that goal of self-realisation, self-government and self-fulfilment.

Sir, before I come to the Constitution I should like to mention that the argument advanced that the Constitution is not being framed by a Constituent Assembly elected on universal adult suffrage but by a Constituent Assembly chosen by indirect election and that of a limited franchise and therefore not likely to represent the views of the people has some force and validity and I would, therefore, humbly suggest, Sir, that there should be provision in the Constitution itself that immediately after the General Election held under the new Constitution the House of the People can bring in a motion for the review of the Constitution.

Sir, I am not qualified to discuss the Constitution in all its aspects and shall, therefore, confine myself to the more salient points especially those that concern and affect me as a Muslim citizen of Indian Union.

Sir, going through the Draft Constitution when I came to section 19(*1*) I was happy that my religious rights have been guaranteed, but when I came to section 35 (Directive Principles of State Policy), I was assailed by serious fears and misgivings as this section to my mind completely nullifies section 19(*1*). Section 19(*1*) says "All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion." I wish to lay special emphasis on the words "practise" and "propagate". Every citizen has been guaranteed his freedom to practise and propagate his own religion subject to certain conditions, namely, "public order, morality and health." This is as it should be in secular democratic State. But this right is entirely taken away by section 35 which says that States should endeavour to secure a uniform Civil Code for the citizens throughout the Union. Sir, at present we are governed in matters of marriage, succession, divorce, gift and certain other matters by our personal law, which is the law of the Shariat. If we are given the freedom to practise our religion, we must also be given the freedom to have our Shariat enforced in our personal law. If we are given the freedom to propagate our religion we must also be given the freedom to hold up the excellence of our personal law. But section 35 proposes to abolish all personal laws and bring in a uniform Civil Law which will not be the Muslim Code, nor the Hindu Code, nor the Christian Code, nor any other Code but perhaps the Indian Code. Whatever merits it may have from any other point of view, it certainly nullifies the guarantee given in section 19(*1*). Sir, if you go through Dr. Ambedkar's forwarding letter, you will notice in sub-paragraph (*b*) of paragraph 14, he says: the Drafting Committee has put into the Concurrent List all the matters in respect of which parties are now governed by their personal law. He adds that this will facilitate the enactment of a uniform law for India in these matters. A citizen in a secular democratic State must be guaranteed his religious rights and also his personal law through which he exercises his religious rights. The difference between a Muslim and a Hindu or a Christian is the difference between their personal laws, otherwise outwardly there is not much difference. By putting all the personal laws into a melting pot and then manufacturing a cast-iron Indian Code would, I submit, be to rob the contents of religion and leave its empty shell. My religion not only prescribes rules of conduct for the establishment of a spiritual communion with my Maker but also prescribes a social order and these two aspects of my religion are inseparable—one cannot be divorced from the other. British Imperialism saw to it

that we enjoyed the minimum of our religious rights but the Draft Constitution seeks to take away even that little. Moreover, Sir, it is an article of faith with us that a mind superior to any, past, present or future, has been brought to bear on the subject and it is also an article of faith with us that our personal law is not capable of improvement.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Janab Md. KHUDA BUKHSH: Sir, as I was saying, our faith is whatever has been prescribed by our Lord Muhammad (Peace be on him) has been prescribed by none else but Almighty Allah Himself—Muhammad was only his mouthpiece. Any alteration or modification of our Shariat shall therefore mean interference with the fundamentals of our religion. I have to repeat, Sir, that if I am to be given the freedom to profess, practise and propagate my religion, my personal law should not be interfered with. I shall try to make my point clear by an illustration, Sir. The different personal laws prescribe widely divergent methods of inheritance and succession. Sir, I consider my system of inheritance to be the best and what is more, Sir, I consider it to be an integral part of my religion. Sir, the Draft Committee have taken away with their left hand what they have given with their right hand by incorporating this section 35. Therefore I claim, Sir, that in order that we may have freedom to practise and propagate our religion as is ensured by section 19, section 35 should be deleted. Sir, a resolution to this effect has been tabled and I shall again have an opportunity to speak on it. I should like to draw the pointed attention of Hon'ble President of the Constituent Assembly through you, Sir, to this aspect of the Constitution. Now, in the name of introducing uniformity the Constitution should not make inroads on our private rights and on our religion. India is historically famous as a land of unity in diversity. And any ordered progress of India should not lose sight of this historical background. Each component part of society should have the freedom to develop its own genius according to its own light. Sir, an honourable member suggested that the name Sovereign Independent Republic was altered by the Drafting Committee to Sovereign Democratic Republic to facilitate our association with the British Commonwealth of Nations, and he felt that the name "Independent Republic" should be retained as we do not wish to remain in the Commonwealth. The Drafting Committee have explained that nothing much turns on a name and there cannot be sovereignty without independence. Sir, this question of our association with or dissociation from the British Commonwealth of Nations will have to be considered separately by the Constituent Assembly and decided on its own merits, and this question has not much bearing on the Draft Constitution. And the question, therefore, of whether we shall or shall not remain as an equal member in the British Commonwealth of Nations is to my mind wholly extraneous to the matter under debate and should not intrude into it. Whatever the name we shall possess, our inherent right of sovereignty of association and co-operation with any foreign nation.

But the name has a bearing on the character of Government and administration that we propose to have for ourselves. If we are agreed on the character of Government as envisaged in the Draft, I maintain one or the other name will do equally well. But if we are not prepared to accept the character of Government, we shall then have to alter the name to suit the altered character. Sir, I shall have occasion to refer to this again when I come to the powers of the Union and the States.

Some honourable members criticised in strong terms the retention of the provision of promulgation of Ordinances. Sir, governing the country by Ordinances is not a very satisfactory way of governing a country and should therefore be discouraged. But I cannot conscientiously recommend that the power to promulgate Ordinances should not at all be granted. Sir, we

are passing through troublous times and we have not been able to adjust ourselves to our newly-won freedom. And then there are various matters that have not taken their final shape. And in their evolution it cannot be ruled out that they may take unexpected turns. Sir, it is idle to expect that any human Government would be able to anticipate and foresee everything and provide against them by legislation in advance. Indeed, Sir, if this were sought to be done it might lay the Government open to the criticism of unduly interfering with people's liberty without any apparent reason or warrant. In my opinion the President, who is the elected representative of the people, should be vested with powers to promulgate Ordinances but he should be instructed by a suitable amendment to exercise those powers only in cases of grave emergency and not as a matter of routine as is being done by some of the Provincial Governments, not the least being our own.

Sir, the high emoluments attached to high offices of State have not found favour with some honourable members. As I aspire to hold those high positions some day, I shall not vote for the reduction of those emoluments. My attitude towards this question can certainly be characterised as being selfish, but I hope you will grant this at least, Sir, that it has the virtue of being consistent. Sir, when I do hold an exalted office of State and enjoy such emoluments per month as would take a high school teacher ten years to earn—and if anybody feels aggrieved about it I can always turn round and say that the emoluments were fixed by the Congress who had full cognisance of the material resources of the country and her ability to pay such sums as emoluments and provide equally fabulous sums for the perquisites of office

Sir, in regard to the chapter on reservation of seats for the minorities I have given anxious consideration to the various aspects of the question and have come to the conclusion that in the long-term view of the matter it would not be advisable to claim reservation on communal grounds. Sir, reservation militates against the concept of nationalism as it, to my mind, helps to keep alive communal politics in some form or other, which in the present altered circumstances is detrimental to the ultimate interests of the Muslims. Sir, we have experimented with the system of joint electorates with reservation of seats and also with the system of separate electorates Both have failed to deliver the goods. Sir, I am not prepared to keep what has been tried out and found wanting. Now we should give a trial, if you will call it that Sir, to joint electorate with no reservation of seats and if this experiment succeeds we shall have gained 10 years, and, Sir, 10 years is no mean period of time when one has to start from a scratch. Sir, this reservation of seats reduces us to the unenviable position of a statutory minority and in the absence of our right to contest general seats it takes away our fundamental rights of citizenship. Sir, as an Indian national I consider it to be my fundamental right to contest any seat. As this forms the subject matter of a resolution, doubtless other speakers will speak at length on it and adduce their reasons, but I for one am, Sir, for teaching the Muslim who has chosen to stay in India to regard himself as an Indian first and everything else afterwards. I do not know why those nationalist Muslims who had clamoured for joint electorates without reservation should today come and plead for joint electorates with reservation when people who were in the Muslim League are mostly in favour of no reservation.

Sir, in regard to the powers of the Union and State Governments, it has been suggested in the Draft that residuary powers should vest in the Centre, and this, Sir, is in addition to the inclusion of certain subjects in the Concurrent List which were previously under the exclusive jurisdiction of the provinces. Sir, the Draft envisages a more rigorous form of centralisation and central control than even the 1935 Act. Sir, we had hoped that

with the advent of freedom we would enjoy a far larger measure of provincial autonomy. We had hoped that India would be a Union of Sovereign States with those minimum powers voluntarily ceded by the component units to the Centre as are required for the purposes of defence, communications and for co-ordinating the activities of the States for the ordered progress of India as a whole. Sir, we have all along pleaded for more and more powers for the provinces and have always resented interference from the Centre. How can we now reconcile our former stand with this Draft Constitution? Perhaps, Sir, this Draft Constitution is based on the fear that granting of more powers for the provinces might foster a spirit of misguided independence in them which may engender forces of disintegration. But, Sir, I submit that Provincial Governments are in intimate touch with the people and it is they who have to ensure the welfare of the people according to the local conditions. It is only right, Sir, that the Provincial Governments should be left with as much powers as possible. Over-centralisation and concentration of power in the Centre will be bound to cause friction between the Centre and the States, and it is this continuous friction, I apprehend, Sir, will sow the seeds of disruption and disintegration. So, Sir, in the interest of the unity of the country, in the interest of the integrity of the country and in the interest of the welfare of the varied population of this vast sub-continent the provinces should be left with all the powers so that they can evolve a form of Government suited to the genius of the inhabitants and calculated to promote the welfare of the citizens in accordance with the local conditions.

Sir, if this view is accepted by the House, as I think from the speeches delivered it will be, a suitable nomenclature for our country will have to be suggested which will correctly describe the character of Government. A resolution, Sir, to that effect has been moved.

Janab S. M. ABDULLAH: Mr. Speaker, Sir, today we are discussing the future Constitution of India, a Constitution which will give shape to the political, social and economic status of 300 million people of this vast sub-continent, a Constitution upon which not only the future of a particular political party, not only the future of a particular community, but the future of the entire people of India, Hindus and Muslims, depends, a Constitution on the framing of which the future of the vast Indian nation, the prosperity of the vast Indian people will depend, a Constitution which will show before the world the real worth of India and the great cultural heritage of India before the eyes of the world and of posterity, a Constitution of free India which will be judged by our posterity.

In free India there will be equality of rights for all and equal rights for human beings will be recognised. So, I must, first of all, convey my thanks to the framers of the Constitution because in framing this Constitution, the framers have based it upon the past history of India upon the spirit of the people of this land, which is the most important factor in running a Constitution, in establishing a Constitution, in making a Constitution fruitful and permanent. So, whatever difference we may have, I must thank the framers of the Constitution and I welcome this Constitution in which we find the spirit of India, the spirit of the great nation and the dream of our leaders for the establishment of that free Constitution and for which thousands of people gave up their lives. In criticising the Constitution, I do not find any reason, I do not find any logic, how the question of this Government or that Government comes in because, you know, the Constitution is in the making, it has not yet been framed and the Constitution is going to be framed for the future government of the country and this Constitution is not your Constitution, it is not my Constitution, but the Constitution is for the nation.

In framing the Constitution, in dealing with the rights of citizens, we find that equality of rights has been acknowledged irrespective of caste and creed. To all citizens of India equality of status and opportunity,

justice, social, economic and political, liberty of thought, expression, feeling, faith and worship have been universally recognised. So I must admit that it is a fit Constitution and I must congratulate the framers of the Constitution.

The remark of the Constitution-making Committee was that the need for fraternal behaviour was never greater than now. This remark is very aptly and rightly made and I quite agree with the remark because you know we must not think over the past. Let the past be buried in the past because we are framing the Constitution for the future and the time has come when we must give up thinking about the past. It is the time to correct the gross error and abuses of our social, political and economic life. It is not the time to quarrel over the past. So it is not the time for retrospect. On the floor of this very House, several members have put forward instances of maladministration of the League Government and the Congress Government. I do not find any logic in it because it is not the time for retrospect, it is the time when we must speak for the present and for the immediate future what would be the future of the nation for which you have taken the responsibility. So I must say that for the future we must give up the past because you know the partition of India into Hindusthan and Pakistan has brought devastation and disaster in the political and social life of this vast sub-continent of India. Being not satisfied with this separation, the fire which was ablaze throughout India one day snatched away from Mother India the greatest jewel of India, the Father of the Nation, Mahatma Gandhi. Even after that, that fire of communalism, that fire of hatred, was not satisfied. So let us pray in the ardent heat of that fire, let us be purified, let every Indian be purified of faction and friction amongst ourselves. Let us, with the blessings of God, march on as a nation a nation with a new spirit with new vitality, with new force, with new ideas will march forth with new national life and new national aspirations.

Regarding reservation of seats for the minority communities, I want to say that we, the Indian people, know that we are the greatest sufferers of this minority problem. It is a very grave question and it is very difficult to solve this minority problem. This minority problem has divided India into Hindusthan and Pakistan. This minority problem has come, even after the separation, at our door. But, Sir, my friends from the Muslim League Group said that there was no need for reservation of seats for the minorities, but I cannot subscribe to their view. Some of the Congress people also said that there was no need for reservation of seats for the minorities, but I cannot subscribe to their view because we must be alive and we must be able to feel the pulse of the masses. We are living in an age, we are living at a time which is the most critical time in the history of India. Though we have attained freedom, our country could not and has not been able to mobilise all its forces and resources for the economic uplift and cultural and social development of the country. We have attained freedom, but why are we not getting the fruits. The reason is this. The country is passing through a very critical stage. Every country, after the attainment of freedom, passes through the most difficult period. So at this time I would request those who are at the helm of affairs, those who claim as the head of the Government, to be very calm, to be very cool in their judgment so that this minority problem which has once divided India may not again create another problem. So I must remind that there is need for minority safeguards because some friends pointed out that at Murshidabad something happened. I do not blame those who are today running the administration. This the Hon'ble Minister knows better than me. We have attained freedom but the people who are running the administration—the Executive, the I.C.S. Magistrate, the Police Superintendent, the D.S.P., the S.I.—are nothing but the same products of the British Imperialism and how can you expect better treatment from them. I am not blaming the policy which this particular

Government is following, but I am blaming the particular man who is responsible for that particular action. I know this thing is happening everywhere. The Hon'ble Prime Minister very aptly said that it is easy to attain freedom, but it is difficult to retain it. It is quite right that these people have not yet changed their slave mentality. Those people who have once arrested the Congressmen, who have once maltreated the Congressmen, are treating other people in the same way.

If every one of you search your heart, you will find that, in spite of the greatest sacrifice of Mahatma Gandhi who has given up his life to save humanity and before whose sacrifice the sacrifice of Jesus Christ faded away, several communal riots broke out because we, the inhabitants of this country, are not alive to our responsibility. We who claim to be members of this great Indian community—most of us—are not fit for freedom. We who claim to be members of this great continent are not fit for that freedom. I am not saying that Pandit Jawaharlal Nehru is not fit for that freedom. I am saying that if our country had 8 per cent. of men like Pandit Jawaharlal Nehru and Mowlana Abul Kalam Azad, then I would ask you to do away with all reservation of seats, but the thing is this: we must be practical. As a practical politician we must have the knack to feel the pulse of the nation. So I think the Congress High Command at the time of framing of this Draft Constitution has recommended this reservation of seats not without reasons. There are some reasons and we will be glad to see a day on which this reservation of seats goes away, because it is a shame for one who claims to be an Indian to demand special rights. My argument is this: it is the duty of the majority to protect the rights of the minority, and when the majority will be alive to their sense of duty, when every one of the majority will be men like our leaders, then the question of minority will not arise, because upon the majority depends the rights of the minority. So it is the duty of the majority to protect the minority. If in a hasty way you do away with the reservation of seats, what will happen? What will be the consequence? The trouble will come. Previously this trouble of communal electorate came, gradually developed and ultimately divided India. Again this trouble will come. So the best way to do away with this communalism is to allow at least for five or ten years this reservation of seats. That will be the best thing for all. Janab Khuda Bukhsh said that for the interest of the country he would demand that reservation of seats should go away. I say for the greater interest of the country that reservation must remain, but with the right of the minority to vote in the General Constituencies.

Regarding Provinces, I should like to say that in my opinion the Provinces should be given more powers than are provided in the Draft Constitution. In distributing the legislative and administrative powers between the Provinces and the Centre, it is expected that the Provincial Government should be given more power, and the residuary power should also rest with the Provinces.

Regarding the age-limit, it has been stated that unless a man attains the age of 25, he won't be able to stand as a candidate to the Provincial Assembly. I would say that when adult franchise has been recognised and when 21 years of age is quite sufficient for a man to vote for a candidate, I do not find out any logical ground why he should be debarred from standing as a candidate in the Provincial Assembly at that age. So I would suggest on behalf of the younger generation that the age-limit should be reduced to 21 years instead of 25 for a candidate in the Provincial Assembly.

Much has been said regarding the Governor. Some members have suggested that the Governor should be elected by the people. In my humble opinion in our country it will be better if the Governor is nominated according to a panel system as has been introduced in the Draft Constitution.

Before I conclude I should like to say that our Constitution is in the making and the shape which it will take depends upon the future. The Constitution will not be judged by the rules and regulations, but the Constitution will be judged by its merits and by the benefit which the Constitution will be able to give to the masses of our country. It has been said there is no Constitution in England, but still England has got one of the best Constitutions in the world. So I suggest: let us work together and see that the Constitution which is going to be made for India may one day be one of the best Constitutions in the world. (Applause.)

Adjournment.

The House was then adjourned at 6-47 p.m. till 3-30 p.m. on Wednesday, the 15th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 15th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 11 Hon'ble Ministers and 58 members.

STARRED QUESTION

(to which oral answer was given)

The office of Sheriff of Calcutta.

***12. Sri SYAMAPADA BHATTACHARJI:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the amount that is spent towards the maintenance of the post of Sheriff of Calcutta;

(*b*) whether the post is essential and indispensable for administration; and

(*c*) if not, whether its abolition is in contemplation of the Government?

Hon'ble MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Sri Niharendu Dutt-Mazumdar): (*a*) The expenses necessary for maintenance of the office of Sheriff of Calcutta are met out of the fees received but if there be any deficiency the same has got to be borne by the Government and if there be any surplus, that goes to Sheriff as his remuneration.

(*b*) and (*c*) This post has been in existence since 1775 and has been carrying on essential functions relating to service of processes, etc., incidental to the administration of justice in the High Court. The Sheriff's Bill was passed by the Legislative Assembly on 8th September, 1948, providing for provincialisation of the office.

Sri SYAMAPADA BHATTACHARJI: Will the Hon'ble Minister please give us an idea as to the actual amount of fees realised and spent?

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: As the Sheriff's office is in the nature of a private office, Government has not got in their possession the detailed accounts of that office, but I might as an illustration tell the honourable member that in 1945 there was a surplus of Rs. 2,288-8-7 and that surplus was paid to the Sheriff. In 1947, for instance, there was a surplus of Rs. 3,488-13-3 which was paid to the Sheriff. In 1946, on the other hand, there was a deficit of Rs. 6,818-2-6 and that deficit had to be met by the Government. So, the position varies from year to year.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if it is a fact that the post of the Sheriff is not so remunerative as it used to be 10 years before?

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: That, Sir, is a matter of investigation,—to analyse the receipts and expenditure of the Sheriff's office.

Special motion under Rule 85 of the West Bengal Legislative Assembly Procedure Rules on the Draft Constitution.

Sri NISHAPATI MAJHI: মাননীয় Speaker মহোদয়, ভারতীয় গণ-পরিষদের শাসনতন্ত্রের খসড়ায় দেখা যাইতেছে যে ২৯২ ধারায় নিম্নলিখিতদের জন্য seat রিজার্ভ থাকিবে—

(ক) মুসলমান সম্প্রদায় ও তপশীল জাতির জন্য,

(খ) প্রথম 'সিডিউলে' প্রথম অংশে উল্লিখিত প্রত্যেক ষ্টেটের তপশীলভুক্ত জাতি সমূহের জন্য,

(গ) এই শাসনতন্ত্রের ৬৭ নং 'আর্টিকেলের' ৫ নং 'ক্লজের' 'সাব-ক্লজে' নির্দিষ্ট স্কেল অনুযায়ী।

ইহা ব্যতীত ২৯৩ ধারায় 'য়্যাংলো-ইণ্ডিয়ানদের' জন্য সিট রিজার্ভ রাখিবার বিধি আছে।

২৯৪ ধারায় প্রত্যেক ষ্টেটের এবং ব্যবস্থা পরিষদের জন্য নানাবিধি সংরক্ষিত করিবার বিষয় উল্লেখ হইয়াছে। তন্মধ্যে তপশীলভুক্ত জাতির বিষয় উল্লেখ আছে। এই ধারায় ব্যবস্থা করা হইয়াছে যে এই ক্লজের জন্য একটি stateএর ভিতর যতগুলি তপশীলভুক্ত জাতি আছে তাহাদিগকে এক সম্প্রদায় গণ্য করিতে হইবে, এবং সেই-রূপ যতগুলি উপজাতি আছে তাহাদিগকে এক সম্প্রদায় গণ্য করিতে হইবে।

২৯৫ এবং ২৯৬ ধারায় দেখা যাইতেছে শাসন-ব্যবস্থা পরিচালনের দক্ষতা সংরক্ষিত করিয়া এবং পরবর্ত্তী ধারার বিধি-ব্যবস্থা বজায় রাখিয়া ইউনিয়ন ও ষ্টেটে নিয়োগ সম্বন্ধে সমস্ত সংখ্যালঘু সম্প্রদায়ের দাবী বিবেচনা করিতে হইবে।

ইহা ব্যতীত নাগরিক অধিকার দানে কোনরূপ তারতম্যের স্থান নাই, সকলকে সমান অধিকার দানের কথাই খসড়ায় ১৫ ধারায় উল্লেখ করা হইয়াছে।

ভারতীয় ইউনিয়নের হিন্দু বলিয়া আমরা গণ্য হইয়া থাকি। ১১ ধারায় এইজন্য অস্পৃশ্যতাকে উচ্ছেদ করা হইয়াছে এবং ৯ ধারায় দোকানে চিত্তবিনোদনের স্থানে এবং মানসিক উন্নতি ও আরাধনার জন্য সর্ব্বত্র যে বাধা বিঘ্নের গণ্ডী ছিল তাহা উচ্ছেদ করা হইয়াছে। আজ যাঁহারা এইরূপ খসড়া সর্ব্বান্তঃকরণে সমর্থন করিতে পারেন না নিজ অভিমত প্রকাশের নামে তপশীলদের আসন সংরক্ষণ উচ্ছেদ, বৃত্তির টাকা উচ্ছেদ, শিক্ষা-ব্যবস্থা ও সামাজিক কুসংস্কার, মাদক দ্রব্য বর্জ্জনাদি কার্য্যকে ভ্রান্ত পথে পরিচালিত করিতে চান, তাঁহারা সমাজের এবং রাষ্ট্রের হিত-সাধন করিবেন না। গণতন্ত্রের নামে ইহারা যে যুক্তিই প্রদর্শন করুন না কেন ইহাদের নেতৃত্বের অবসান হইয়াছে। এঁদের দৃষ্টিভঙ্গী দুরদৃষ্টি সঙ্কীর্ণ মনোভাব তরুণ ভারত সমর্থন করেন না। ভারতীয় ইউনিয়নের মাননীয় প্রধান মন্ত্রী পণ্ডিত জহরলালজীর নেতৃত্বের উপর আমরা সম্পূর্ণ আস্থাশীল।

২৯২ ধারায় উচ্ছেদের বিষয় যে প্রস্তাব কোন সদস্য উপস্থিত করিয়াছিলেন তাহা পশ্চিমবঙ্গ কংগ্রেস ব্যবস্থা-পরিষদদল নাকচ করিয়া দিয়াছেন। এইজন্য আমার আন্তরিক ধন্যবাদ জানাইতেছি।

ভারতের বর্ত্তমান পরিস্থিতিতে হিন্দু, মুসলমান ও তপশীলদের একত্রিত হইয়া জাতি গঠন ও বহিঃশত্রুর আক্রমণ প্রতিরোধ করিতে হইবে। এই অবস্থায় দুষ্ট হিংস্র ব্যাঘ্রকে কোন প্রকারে জাগ্রত করা অন্যায়। যাহারা অস্পৃশ্যদের একদিকে হিতসাধনের কথা প্রচার করিতেছেন অপর দিকে তপশীল জাতির আসন সংরক্ষণের উচ্ছেদের ব্যবস্থা করিতে চাহিতেছিলেন এবং সাধারণ নির্ব্বাচনে তাহাদের স্থান দেওয়া হবে না বলিতেছেন তাঁহারা ভাল-ভাবে এ বিষয়টী উপলব্ধি করিতে চান না।

আজ বিশেষভাবে মনে রাখিতে হইবে যে যাহারা শিক্ষায় পশ্চাৎপদ, অনুন্নত তাহারা যদি কোন কার্য্যে অগ্রসর-শীল হয়, শিক্ষিত ও উন্নতশীল হইতে চাহে তাহা হইলে তাহাদিগকে সর্ব্বান্তঃকরণে সাহায্য করিতে হইবে এবং উদার দৃষ্টিভঙ্গী লইয়া যাহারা নিম্নস্তরে পড়িয়া আছে তাহাদিগকে টানিয়া লইতে হইবে। উপরওয়ালাদের নিকট হইতে বহুবিধ আন্দোলন, বহু যুক্তি, আদর্শের কথা ও বহু কিছু আমরা শুনিয়াছি, কিন্তু এযাবৎ তাহা কার্য্যে পরিণত হয় নাই। যাহারা শিক্ষায় পশ্চাৎপদ তাহাদের কোন দিন নেতৃত্বের কথা স্বীকার করা হয় নাই। তাহা-দিগের রাজনৈতিক অধিকারদানের কথা যখনই হইয়াছে তাহা নানা ছলে-বলে-কৌশলে অপহরণ করা হইয়াছে। মহাত্মাজীর 'হরিজন আন্দোলন জগতের মধ্যে শ্রেষ্ঠ আন্দোলন। তিনি চাহিয়াছিলেন যে এই ভারতবর্ষে যে স্বর্ণ-সৌধ নির্ম্মিত হইবে তাহা সর্ব্বহারা নিঃস্ব, নিরন্ন, গরীব-দুঃখী সকল সম্প্রদায়ের দ্বারা রচিত হইবে, কিন্তু তাহা কার্য্যকরী হয় নাই। কতিপয় স্বার্থপতি তাহাদিগকে রাজনৈতিক উদ্দেশ্য সিদ্ধির পথে পরিচালিত করিয়াছিল। আজ তাই, আপনাদের সানুনয়ভাবে আবেদন জানান হইতেছে যে মানুষের ভিতর যে হিংস্র প্রবৃত্তি রহিয়াছে তাহাকে যেন আমরা কোন প্রকারে জাগ্রত না করি। এমন কথা যেন মনে না করি যাহাতে এক সম্প্রদায় আর এক সম্প্রদায়ের উপর ঈর্ষা, ঘৃণা, বিদ্বেষ ভাব পোষণ করিতে পারে। আমাদের প্রত্যেকটী কার্য্যকে সুচিন্তা ও নানা

পরিকল্পনার দ্বারা কার্য্যকরী করিতে হইবে। শাসনকার্য্য পরিচালনার নিমিত্ত ও বাস্তুহারাদের বাসস্থান ও জায়গা-জমি উপলক্ষে যে প্রশ্ন উঠিয়াছে—তাহা ভারতের এক মহা প্রশ্ন। এই প্রশ্নকে কেহ অবহেলা করিতে পারে না। রাজস্বসচিব এ বিষয় যাহা বলিয়াছেন তাহা আমি সর্ব্বান্তঃকরণে সমর্থন করিতেছি। ৩ নং ধারার সংশোধন আমরা চাই এবং ইহার অবসান আমরা কামনা করি। পশ্চিমবঙ্গে আমার বিশ্বাস যে দশ বৎসরের মধ্যে শুধু তপশীলদের কপালের কলঙ্ক মোচন হইবে না, হিন্দু, মুসলমান, খৃষ্টান সকলে একত্রিত হইয়া কৃষক-মজুর ও গরীব প্রজারাজ স্থাপনে উদ্যোগী হইবে। ইহার জন্য আমাদিগকে চিন্তা করিতে হইতেছে যে শাসন-ব্যবস্থা ইতিপূর্ব্বে ১৯৩৫ সালে রচনা হইয়াছে তাহা আমাদের দেশের পক্ষে অপকার্য্যকারী। আজ আমরা ইহার পরিবর্ত্তন চাই। ভূতপূর্ব্ব প্রধান মন্ত্রী মহাশয় বলিয়াছেন যে আমরা প্রদেশপালের নিমিত্ত এইরূপ বহু টাকা ব্যয়ের পক্ষপাতি নই, এইরূপ কোন প্রদেশপাল পোষণ করিবার প্রয়োজন নাই, আমরাও ইহার সহিত একমত। বিদেশীর পক্ষে সাত-সমুদ্র-তের-নদী পার থেকে এসে হয়ত এইরূপ একটা শাসন-ব্যবস্থার জন্য প্রদেশপাল রাখার প্রয়োজন ছিল; কিন্তু আজ ইহার আবশ্যক নাই। আমাদের প্রধান মন্ত্রী মহাশয়কেই এই সমস্ত কার্য্যভার গ্রহণ করিতে হইবে, এবং তিনি উদ্যোগী হইয়া সকল কার্য্য পরিচালনা করিবেন।

আজ পদে পদে দেখছি ১৯৩৫ সালের শাসন-ব্যবস্থার দরুণ একদিকে Official Power বেড়ে উঠেছে আর অপর দিকে জনসাধারণের শক্তি পদদলিত হইতেছে। যাঁহারা জনসাধারণের দ্বারা নির্ব্বাচিত প্রতিনিধি—তাঁহাদের ভিতর এমন অনেক Officer আছেন, যাঁহাদের আমাদেরই রাজস্ব বিভাগ হইতে আমরা প্রতিপালন করিতেছি, তাঁহারা এই সমস্ত জন-প্রতিনিধিদের সর্ব্বত্র শাসন দিতে চান না।

পরিষদের সদস্য ও সচিব পর্য্যন্ত তাঁহাদের নিকট অবহেলার বস্তু। অনেক সময় তাঁহারা মনে করেন যে এইগুলি আপদ ও গলগ্রহ স্বরূপ। আজ তাই, যখন আমাদের নূতন শাসন-ব্যবস্থা রচনা হইবে তখন চিন্তা করিতে হইবে যে আমরা এমন একটা শাসন-ব্যবস্থা করিব যাহাতে কৃষক, মজুর এবং যে সমস্ত নির্ব্বাচিত প্রতিনিধি আজ এই ব্যবস্থা পরিষদে এবং জনসাধারণের কর্ণধার হইবেন তাঁহারা ইহার সর্ব্বময় কর্ত্তা হইবেন। পরিশেষে আমার আর একটা বিষয়ে এখানে উল্লেখযোগ্য যে তপশীলিদের পৃথক কোন সত্তা নাই। আজ দেখা যাচ্ছে যে যাঁহারা নিজদিগকে হিন্দু বলিয়া পরিচয় দিতেছেন তাঁহারা নিজেদের কলঙ্কতিলক নিজেরাই মুছিয়া দিতে চায়। এই অবস্থার জন্য যেন, কেহ এমন কথা না বলেন যাহার দ্বারা সমাজের ভিতর বিভেদ বা জাতিভেদ সৃষ্টি হয়। এই অস্পৃশ্যতা-বর্জ্জন কার্য্যে আমি বদ্ধপরিকর হইয়াছি এবং শপথ গ্রহণ করিতেছি যে ইহা কার্য্যকরী করিয়া তুলিব। গণপরিষদে অস্পৃশ্যতাকে যে দণ্ডযোগ্য বলিয়া ঘোষণা করা হইয়াছে তাহা কার্য্যক্ষেত্রে দেখান হউক। আজ এমন অনেক অফিসিয়াল ও মন্ত্রীস্থানীয় ব্যক্তিকে দেখা যায় যাঁহারা বচনে অস্পৃশ্যতাকে ধ্বংস করিতে চাহেন কিন্তু কার্য্যের বেলায় তাঁহারা পশ্চাদপসরণ করেন। আজ সেইজন্য আমার অনুরোধ যে আমাদের মনেপ্রাণে নূতন মন নিয়ে জাতি গঠনের দিকে অগ্রসর হইতে হইবে এবং জাতিকে নূতন ভাবে গড়ে তুলতে হইবে। নতুন প্রাণে যদি এই ভাবে আমরা শাসনতন্ত্রকে রচনা করিতে সক্ষম হই এবং কার্য্যকরী করিয়া তুলিতে পারি ও রূপ প্রদান করিতে পারি তবেই আমাদের উদ্দেশ্য সার্থক হইবে।

Janab A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, I am grateful to you for giving me an opportunity to take part in the discussion of the draft Constitution of free India. Sir, we have been debating on the draft constitution for the last three days. Several honourable members have already spoken and a few more may speak. Various suggestions have been made and perhaps some more will follow and we have also received notices of motions arising out of the general discussion and they will also be discussed. I do not know, Sir, whether members of the Constituent Assembly will have time and patience to go through all these discussions. We hope, Sir, at least the members representing us in the Constituent Assembly will take the trouble to go through these proceedings as fully and deeply as the importance of the subject requires and place our view points before the Constituent Assembly. Now, Sir, coming to the draft constitution I shall confine my remarks only to the points which to my mind affect our interests very much. Sir, I welcome the provision in the draft constitution that the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex or any of them.

Part III—fundamental rights is a very important chapter so far as we are concerned. Sir, when we read this part a little more carefully we find that some of the declarations contained therein are only a pious assertion

of no political value or constitutional significance. Sir, this is evident from the fact that while clause (*1*) of Article 13 declares that all citizens shall have the right of freedom of speech, movement, residence, association, pursuit of profession, etc., the rights to enjoy the freedom of worship and religion have been perhaps inadvertently omitted from the list and the succeeding clauses of the same article thoroughly reduce the contents of these rights inasmuch as it is stated that the rights mentioned in clause (*1*) shall not affect the operation of any existing law or prevent the state from making any law curtailing these rights. Sir, I am afraid since clause (*1*) of Article 13 is hedged with so many exceptions it may ultimately defeat the purpose of formulation of fundamental rights in the constitution. I feel, Sir, it must be categorically stated in the constitution that fundamental rights of the religious minorities will not be interfered with. Sir, in order to remove the ambiguities clauses 2 to 6 of Article 13 should be deleted.

Speaking on rights relating to religion, Article 19(*2*) has created considerable anxiety in our mind. Sir, our state is a secular state, a state which has no religion of its own, which means that Government will not in any way interfere with the free exercise of religion by various classes of minorities. If that is so, Sir, I do not see the reason why in clause (*2*) of Article 19 which reads that the state shall not be precluded from making any law restricting any economic, financial or other activity which may be associated with religion. Sir, we the religious minority strongly protest against the inclusion of such an article in the draft constitution which encroaches on the freedom of religion. Sir, we request through you the members of the Constituent Assembly, that it shall be clearly stated in the constitution that "nothing in this clause shall be deemed to affect the personal law of the religious minorities, prescribed by their religion for the regulation of their economic, financial and other secular affairs". Then again, Sir, Article 35 in Part IV directive principles of state policy provides that the state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. Inclusion of this article in the draft constitution has also given rise to serious misgivings in the mind of the Musulmans. Sir, this article should also be so amended as to exclude the personal law of Muslim from its scope, for the personal law of Muslim is based on Holy Quoran and an interference with it will be tantamount to an interference with the religion of Muslims.

Sir, whether federating units should be autonomous or whether we should have strong unitary form of Government, the question has been discussed very thoroughly on the floor of the House. Honourable members have spoken both for and against it, but I would like to add only one thing. So long our principle was that there should be as much decentralisation of power as possible with the ultimate object of village autonomy as our goal and which, I am sure, was in keeping with the declared policy of the Congress. I do not know, Sir, why we go back from our declared policy.

Sir, while considering the question whether we should have two Houses or one House of Legislature, it is better, Sir, that we take our lesson from our past experience. Everybody will admit that the whole object of creating both Upper and Lower Houses in the Government of India Act of 1935 was to create a vested interest. Why do we again create a vested interest when we ultimately envisage a People's Raj.

Sir, coming to special provisions relating to minorities - Part 14—we find that Article 294 provides reservation of seats for the minorities in the Legislative Assembly of the States. We find that the Muslim community has been classed as a minority for this purpose. Sir, I do not like to rake up the old question of separate *versus* joint electorate. Sir, when we do away with separate electorate, why do we again have reservation of seats? My friend Janab Khuda Bukhsh has very rightly pointed out that this will only reduce us to a statutory minority. Sir, when we shall have to depend

on the goodwill of the majority community for the protection of our fundamental rights, why not let us see what becomes our fate if we have joint electorate without reservation of seats? Let us give a fair trial to this system of election and if we find that special protection is necessary, we shall consider the desirability or otherwise of such a measure. There is a separate motion on this particular clause when we shall discuss this question more fully.

Sir, before I resume my seat I would like to point out that the Draft Constitution does not inspire much hope in the mind of a common man who is not very much interested in the intricacies of the Constitution—he is only concerned with a minimum standard of decent living.

Sir, we do not know how far our opinion will be able to influence the discussion of the actual makers of the Constitution, viz., the party in power in the Constituent Assembly. We, therefore, appeal to their good sense to give the Draft Constitution such a final shape as may guarantee to the common man his minimum needs as a free citizen.

The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I hope I shall be pardoned if in rising to speak on the Draft Constitution I begin by saying what to many of my friends here may appear to be a truism, viz., that the constitution of a country should be framed with reference to the country itself and with due regard to its character and complexities. That was at least a fundamental article of faith with those great leaders who had literally fallen in the fight for freedom, for instance, Deshbandhu Chittaranjan Das. The Leader of the House has reminded us of some of the unforgettable phrases from his Faridpur speech, but I would like to make a longer quotation In the prologue of what has been known to us as his last testament to the nation he observed:

"India may be independent tomorrow in the sense that the British people may leave us to our destiny, but that will not necessarily give us *Swaraj*. As I pointed out in my Presidential address at Gaya, India presents an interesting but a complicated problem of consolidating the many apparently conflicting elements which go to make up the Indian people. This work of consolidation is a long process, may even be a weary process; but without this, no *Swaraj* is possible."

"To my mind, *Swaraj* implies, firstly, that we must have the freedom of working out the consolidation of the diverse elements of the Indian people; secondly, we must proceed with this work on national lines, in the light and in the spirit of our national genius and temperament."

And he concluded his testament by saying—

"I seek a federation of the States of India each free to follow, as it must follow, the culture and tradition of its own people: each bound to each in the common service of all: a great federation within a greater federation, the federation of free nations, whose freedom is the measure of their common service to man, and whose unity the hope of peace among the peoples of the earth."

Why did Deshabandhu refer to consolidation on the one hand and federation on the other? The answer lies in the history and geography of India, in the vastness of the country and the variety of her people. India will be framing today not the constitution of a country so small as France or Germany, Italy or Great Britain. She is called upon to frame the constitution of a country nearly half as big as the United States and containing more than twice the number of people of the United States. It is a sub-continent characterised by an all-pervading unity and at the same time with varied ethnical and cultural traits and traditions. There is an over-all unity, no doubt, but so loose in its political aspect that history tells us that excepting in the hey days of the Mouryas or the Guptas, of the Pathan or of the Moghul rule she could never resist foreign invasion owing to her internal division and disunity. The Bactrian Greeks and the

Scythians found India divided. Ghori did so, and Babar, and after him Akbar, found the Pathan Empire dismembered, the English came to see Tippu and the Mahrattas fighting and the Nizam afraid of both, while Aliverdi declaring himself independent of Delhi and buying off the Marhattas. That being the case, the question of consolidation to be effected by a strong centre is undoubtedly a paramount one if India has to maintain the freedom achieved after centuries of foreign domination. But while the consolidation of national unity and maintenance of external security have to be secured by our constitution, internal harmony and peace can be ensured and furthered only by a recognition of that unity in variety which India is and a wise concession of autonomy in matters provincial which can only satisfy local aspirations and local needs, material as well as cultural, in all normal times and situations other than emergent. These two requirements were met by the Government of India Act, 1935, and therefore the Government of India Act has been followed, I believe, in the tripartite division of administrative and legislative subjects into Central (Union), Provincial (States) and concurrent lists We had an aversion against the Government of India Act of 1935 on grounds of its authorship and of its ruling powers concentrated in the hands of British agents working under the ultimate control of the British Parliament. When that ultimate control came to an end with the withdrawal of Britain and on the contrary came to be vested in the Indian Parliament, the scheme of the Government of India Act could only wear a new and welcome aspect The Act has stood the trial of a decade a decade of internal upheaval and external war—and I for myself am frankly reluctant to try a scheme of constitution widely different in essential features from the Government of India Act as it stands revised by the Independence of India Act, 1947, particularly if we can make it wear the additional features which the India of today and tomorrow will demand.

Having made my approach clear I would now pass on to an examination of the new and salient points in the Draft Constitution which have attracted and are likely to attract comments and criticism.

Preamble.—It has been said, Sir, that the preamble to the proposed constitution should not have started with declaring India as a Sovereign and Democratic State only, that the word "independent" should not have been omitted. Two doctors have spoken on the theme but have disagreed. When doctors disagree we lesser men may have a chance of pointing out that we may not suffer from an inferiority complex after twice observing the Independence Day. The U.S.A won independence through a war; yet we find that their constitution does not make a parade of it in its preamble Instead of making the word "independent" a part of the preamble they date their Constitution Act and its amendments from the day of their independence

Article 3.—The next point on which a novel opinion has been expressed is Article 3 which relates to formation of new States and alteration of areas and boundaries and names of the States. Hitherto the controversy has been whether the conditions laid down in the proviso can, after the enactment of the Constitution Act, be fulfilled by certain States that hope to gain or have their grievances redressed by revision. Learned Doctors say that the word "affected" in sub-clause (*a*) (*ii*) of the proviso means prejudicially as well as beneficially affected by alteration of boundaries or of name. Less sophisticated people would again say why not then make it explicit by adding the words "either beneficially or prejudicially" before the word "affected". But Dr. Ghosh makes the novel suggestion that the proviso should go and it should be left entirely to the Parliament. Even the parallel provision in the Weimer Constitution insists on the consent of the States or the ascertainment of the will of the people. At any rate, I think, here in India few provinces will agree to have it entirely left to the Centre and prefer the risk to find one morning that there is no Bengal or Orissa, Madras or Assam

on the map of India. I shall be glad to learn that I have misunderstood Dr. Ghosh. (Dr. PRAFULLA CHANDRA GHOSH: Thoroughly misunderstood.) If the proviso goes the article can only have that meaning which I have put on it and no other.

Article 5.—Passing on to the question of citizenship dealt with in Article 5, the knotty question is the question of acquisition of citizenship on which a newly formed State has reason to be circumspect. The refugee problem no doubt demands lenient treatment of the question, but there may be refugees and refugees. So in my view permanent residence in Indian Union and no permanent abode in a foreign State should both be insisted on where citizenship will accrue by domicile. In case of birth, transmission of nationality through male parents should also be insisted on and the scope of future Naturalisation Act should not in any way be compromised.

Article 8.—In the Chapter on Fundamental rights the first thing that I would suggest is the saving of the personal laws by which the Hindus and Muslims, I mean the major communities, have been governed throughout all these centuries. To the proviso to section 8(*2*), I would therefore add the words: "other than a personal law" (Cheers from Opposition Benches) and the omission of sub-clause (*a*) of clause (*2*) of Article 19.

Article 25.—A question has been raised as to the method of enforcement of fundamental rights and the mention of what are called "the high prerogative writs" in Article 25; I am personally of opinion that there can be no harm in using foreign expressions if they convey clearer meaning. The American Constitution has not been reluctant to mention *Habeas Corpus* at least. Of the principal writs, *Habeas Corpus* and *Mandamus* now stand incorporated in our laws in section 491 of the Criminal Procedure Code and sections 45 to 50 of the Specific Relief Act. The other writs *Certiorari* and *Quo Warranto* have not been subject-matters of legislation and, as have been held in the recent Privy Council decisions in the Parlakimedi and Howrah cases, are confined in their application only to the Presidency towns like Calcutta. I believe, therefore, there can be no harm in the general reference that has been made to them in Article 25(*2*). That is necessary to define exactly the nature of the remedies available.

Article 22.—As regards Article 22, I have some remarks to make. Clause (*1*) of the Article prohibits for all time to come religious instruction in State schools and colleges. It is difficult to find a parallel for such a completely negative attitude towards religious instruction. On the contrary, religious instruction has been lately made compulsory in England (section 25 of the English Act of 1944) and other countries. Even Article 124 of the U.S.S.R Constitution is not so emphatic in prohibition. Whether it is expedient or practicable in our country to provide for religious instruction in our schools and colleges that can only be a question of policy It can be pursued or prohibited as the Government of the day may think it proper. But to create a permanent bar and to prohibit it by the Constitution of the country may be deemed to be a violent swing of the pendulum to the left. Such a prohibition if enacted may mean the immediate closure of all Government *madrassahs* and *tols*. I think it is my duty, in particular, to point out the same.

I propose now to go straight into the questions of the Union Executive, the Union Parliament and the Supreme Court.

Article 62.—I find it difficult in the first place to agree to such a provision as Article 62 which appears to confer more power on the President in the choice of the Prime Minister than what the King of England possesses. If the King of England or the President of France or the President of Germany under the Weimer Constitution could only call the leader of the majority party or a person capable of commanding a majority in the Parliament or Chamber of deputies to form the Cabinet,

why should the President of the Indian Union be free from that obligation? Section 62 should be so amended as to make the President choose as Prime Minister the person most capable of commanding a majority in the House of the people.

Article 63.—Why again, the Attorney General shall not be appointed on the advice of the Prime Minister? The words "on the advice of the Prime Minister" should be inserted in Article 63 after the word "shall" and before the word "appoint". In other words it should be a political appointment.

Article 64 provides for the authentication of the orders of the Government of India. Having regard to the fact that certain executive powers are being conferred on the President in the interests of democratic working of the Constitution such Presidential orders should in my view be countersigned by the appropriate Minister. I believe the edicts or decrees of the French or the German President under the Weimer Constitution required such signature

Article 91, again, as it stands makes it possible for the President to nullify or in effect veto a Bill passed by the Legislature by withholding assent Even the American President who in the language of Sir H. Maine "governs" has not that power The American Constitution provides that if the Bill passed by the Legislature is not returned with the President's assent within the statutory period "it shall become law in the like manner as if the President had signed it" Article 91 should in my view be so amended and the supremacy of the Parliament in matters of legislation duly maintained

Article 93.—The supremacy of the Parliament in matters financial should be likewise maintained by deletion of sub-clause (3) of Article 93. Our Legislature should have the same powers in financial matters as the British House of Commons and Article 97(*b*) should be recast accordingly.

Article 67 As regards the size of the Central Parliament how can the House of the People of such a vast and populous country be limited to 500 members, in other words can have a strength less than 600 when the number of members of the House of Commons exceeds that number. Having regard to the importance that has been given to the Council of States neither should it consist of less than 300 members

Turning to the Central Judiciary, the provision for the attendance of retired Judges and that against further practice by temporary Judges do not commend to me Nor would I consider it desirable to recast the provisions of the existing Civil Procedure Code so far as appeals from the High Court to the Supreme Court are concerned It is safer to follow provisions that have stood the test of time and been interpreted by judicial decisions extending over a long period of time.

Similar amendments as I have indicated in connection with the Union Legislative Procedure and Federal Judiciary, I would also suggest in respect of the provincial legislative procedure and provincial judiciary.

Part XX, Chapter I.—Now, coming to the distribution of legislative powers, I have already indicated that I am opposed to any material change in the present scheme of things. I cannot understand how we can appreciate provisions made in Articles 219, 226, 227 and 228, as well-designed for normal use. They can have any appropriate place only in the Emergency Chapter and not in the chapter defining normal legislative relations. In fact, the marginal note to Article 227 betrays that. In view of the provisions in Part XI, particularly having regard to Article 278, Articles 226 to 228 appear to be superfluous. Sri Alladi Krishnaswami Ayyar has rightly pointed out that "the retention of such powers as are contemplated in those articles would offer a premium for the Union gradually encroaching on the State field and striking at the Federal structure of the Constitution."

Subscribing to Deshbandhu's creed, I cannot view with equanimity such a prospect. I have tried to bring as dispassionate a judgment to bear on the examination of the Draft Constitution as I am capable of. I think it useless to answer those whom the French would call "Irreconcilables", who inspired either by communalism or communism would desire not to provide a sound constitution but to present a hellish chaos to India. Let hysterics be theirs, ours must be self-possession on the auspicious day when free India is about to frame her constitution—the day which our heroes had dreamt and for which they fought and died in the past.

Mr. D. COMES: Mr. Speaker, Sir, looking at the Constitution as a whole one cannot but be impressed by the brilliance of the language in which the Constitution has been drafted. It contains much of the flawless legal elegance of Burke or Macaulay. Precisely because of this brilliance I have an apprehension that it may not stand accurate translation in simple vernaculars. It was better if the original constitution was drafted in an Indian language and the original Hindi and a translation of it were presented to the Assembly for discussion. The Constitution is supposed to be the symbol of the patriotism of the masses of the country and if that is so, it is desirable that the Hindi original and English translation must simultaneously be presented to the public, otherwise much of the charm and beauty of the Constitution would remain inaccessible to the common citizen.

So far as the Preamble of the Constitution goes, it is quite inspiring. It contains many of the commendable ideals and foreshadows a Constitution that is worthy of being sworn to by Governors, Ministers and legislators. At the same time, I think there is some room for improvement. The Preamble of the Constitution of the U.S.A. is quoted in the Books of Quotations and is prescribed in schools and colleges as a piece of literature. If our Preamble could also be beautified by the incorporation of some more material from the fundamental rights it could also be prescribed in schools and colleges as a piece of literature for the enlightenment of our students. In the Preamble there is a phrase that the Constitution of India will be "Sovereign Democratic Republic". No doubt the phrase has been used with an eye to scientific precision, but we have already noticed in this House that ambiguity has been in the minds of several legislators as to whether the word "Sovereign" implies the connotation of independence or whether the word "Sovereign" should be reinforced by the word "Independent". I think this ambiguity can easily be eliminated if the word "Sovereign" is substituted by the word "Free" on the analogy of the Irish Free State. The word "Republic" is also subject to question. If the Constituent Assembly had decided finally that this country should remain outside the clutch of the British Commonwealth of Nations then the word "Republic" is absolutely irreproachable. But if hereafter it is decided that this country should remain within the British clique of Nations then the word "Republic" might be inconsistent with the constitutional practice. No less a jurist than Gen. Smuts said that "You cannot make a Republic of the British Commonwealth of Nations" and many other jurists have supported him. In strict constitutional law the word "Republic" would be inconsistent with the status of membership of the British Commonwealth of Nations.

In the Chapter on citizenship, the question of naturalisation has been left to be regulated at the discretion of the Parliament. I think this is a flaw. Considering the fact that many of our brothers from Pakistan and South Africa may be coming soon to obtain citizenship of this country it would be better if the Constituent Assembly had decided now and here and incorporated on the body of the Constitution provisions with regard to

naturalisation. The enunciation of the fundamental rights is very reassuring to the minorities and the members of the Constituent Assembly, particularly members from the majority community, are to be congratulated for their breadth of vision and generosity. But at the same time, I find a lacuna there. It has been stated that the power of enforcing the fundamental rights has been reserved for the Supreme Court. Since these fundamental rights touch and concern all the humbler folks of the country no less than the richer and the enlightened ones, it is desirable that this power of enforcing the fundamental rights should be granted even to the lower courts, at least to the District Courts.

I quite agree with some of the observations made by Sri Charu Chandra Bhandari and others regarding the legislative powers of the Governors and the President. I do agree that, except in a national emergency, the legislative powers of the Governors and the President to legislate by ordinances should not be granted at all.

I have, Sir, some observations to make with regard to the salary of the Governors and the President. I do not agree that the salary should be Rs. 2,000 or Rs. 3,000. By all means they should be given a generous sum but not such fabulous sums as would make them look ridiculous in the eye of the people. A maximum limit is desirable.

The provision with regard to bicameral legislature has been made particularly with an eye to the federal constitution of the country. But looking at the constitution as a whole we find that it is more unitary than federal and it does not conform to the definition of a federation, viz., "The indestructible union of indestructible states." Certainly some of the States are in course of time bound to be destroyed and to be amalgamated with other States. Therefore, considering the question of economy and speed in the matter of legislation the second chamber is absolutely redundant and the members of the Constituent Assembly should see to the elimination of the second chamber.

Sir, in section 286 of the Constitution a provision has been made for the institution of Public Service Commissions. The Public Service Commission is intended to prevent the "spoil" system from lowering the morale and efficiency of the public services. In sub-clause (3) there is a provision that under certain circumstances the Government of a province or of the Centre may suspend the operation of the Public Service Commission so as to eliminate the necessity of consultation with them. This is really bringing in the "spoil" system through the back door. Sub-clause (3) must be done away with.

In section 119 there is a provision that the Central Government if it finds it necessary on special occasions they will have the right to consult the Judges of the Supreme Court. I think this is not at all conducive to the maintenance of the independence of the Judiciary. The Government should have their own legal advisers to consult, and they should never be allowed to approach the Judges of the Supreme Court for consultation. This will tell upon the impartiality of the Judiciary.

Janab HUSAN ARA BEGUM: Mr. Speaker, Sir, first of all I thank you for your kindness in giving an opportunity to the members of this House to discuss the Draft Constitution of India and especially taking into consideration the cause of the minority community. Further, Sir, you have also been kind enough to extend the same opportunity to me as well, but as other members have given their views I shall be very short and brief. I shall only place a few points which are very essential for the Muslim community. Constitution-making is not an ordinary thing, especially when the new Dominion is in the process of being, or I should say, has just been, established. It requires men of heart and brain to think on those subjects, and we know there are such men at the head of the state. As I have heard,

there have been many remarks about the constitution and its flaws. Everything cannot be perfect in the beginning and hence I do sincerely hope that when the provinces have been given an opportunity to give their opinion, the framers of this constitution and the head of the Central Government will keep the views of the Muslim community in mind. Sir, in section 19 it is provided that all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. So I suggest and especially stress that due regard should be given to the religious susceptibilities of all nationals of India. India is a country which is far more religious than any other country on the globe and especially the greater part of the Hindus and Muslims are religious. The Muslims were governed by the British Government under the Muhammadan law, and even now I should not say much except that I would request the framers of the constitution to be good enough to give due consideration to the feelings of the Muslims and frame laws for Muslims according to the Shariat-e-Mohammadi (Muhammadan Law) which would give them the right of security, the right of religion, the right of liberty and the right to live as respectable citizens of India. As regards the Muslim laws all the tenets of the Shariat are laid down by the Koran and nothing there can be changed and there is no definition there about the laws of inheritance, marriage and divorce which are very essential to the life of the Mussalman. So I do sincerely hope and I would request the Central Government and the framers of this constitution to take these special points in view in giving their finishing touch to the constitution so that the Muslims of India when they hear that the right of citizenship will be accorded to them in a suitable manner they will be thankful. Regarding reservation of seats in my opinion there should be no reservation of seats, especially at the present moment when this community is on an equal footing with the other citizens. I would not take more time of the House as its time is valuable and I thank the Hon'ble Speaker again for the opportunity he has given me. I sincerely hope that the Muslims who are in a minority will be given their due rights and that the Central Government will have consideration for the Muslims of India and give them their laws of inheritance, divorce and marriage according to the Shariat Muhammadi.

(The House was then adjourned for fifteen minutes).

(After adjournment.)

Shaikh MOHAMAD RAFIQUE: Mr. Speaker, Sir, all shades of opinion have been expressed on the Draft Constitution by all sides of the House and so I will not take much of your time, specially when the Muslim point has been fully represented. One fact which has been pressed by all the speakers and which those who will be responsible for passing this Draft Constitution into final shape should also take note of is that the Constitution should be such as would command unstinted support and respect of all the citizens of India.

Sir, in considering and discussing the Constitution of India, we shall have to take dispassionate view of things, detached from the background of happenings in 1946 and 1947. We also have to consider the changes which are in store for us in the near future. Sir, the Constitution of a country is not changed so easily, though I do not know how the people of India will react against this Constitution after it has obtained the final approval of the Legislature. There is no doubt, Sir, as has been pointed out by an honourable member of the House, that the Constitution which will be passed by the Legislature will have only the sanction of 13 per cent. of the population of India. There is also no doubt that in the near future within a period of ten years this Constitution will see some drastic changes. So, it should be our endeavour to frame it in such a way that it conforms to the needs of the people, guaranteeing them freedom of thought, expression and belief to which they are entitled and not to rob them of these inherent

rights by ambiguous and controversial phraseology. I find that in the Chapter "Right relating to Religion", full freedom of conscience and the right freely to profess, practise and propagate religion has been provided while under section 35 of Part IV the State reserves the right to secure for the citizens a uniform Civil Code throughout the territory of India. This section means that the personal law of a Muslim may also be interfered with. It would be in the interest of the Muslim inhabitant of the Indian Union if this section is clarified excluding the Muslim personal law from the operation of this section. Our personal law is a part of our religion and will not stand any change whatsoever. It is quite possible that the framers of the Constitution did not consider this aspect of the case and never intended application of this section to the personal law of the Muslims. I hope, Sir, when this Constitution will assume final shape, this section will be precise and simple.

The next most attractive proposition in the Constitution, so far as the Muslims are concerned, is the reservation of seats. This question has been receiving the most serious consideration of the Muslim community since the last two years against the background of riots, changes in the country and the conflicts amongst the great powers of the world. At one time separate electorates and reserved seats had their attractions. But, Sir, times have changed and the time has now come when the rights of the minority have to be looked after and safeguarded by the majority in the country. It is a charge for which they are responsible. Reservation of seats with or without the right to contest general seats presents no allurement and benefit to the Muslim community today. With the grant of independence, it is the desire of every Indian to see that the State flourishes and prospers and becomes stronger to stand aggression from outside because in its strength lies our safety, in its greatness lies our prestige and honour. It is time that we should remove all such factors which contribute towards ill-feeling, suspicion and bitterness, and should not sow the seeds of discord and discontentment. There is no doubt that if there is reservation, some Muslims will be returned. But will they be representatives of the Muslims? They have to be returned with a majority of the Hindu votes and boss here as representatives of the Muslims. It is also quite possible that some representatives of the Muslims will be returned from constituencies which are preponderatingly Muslim and these two groups, though very small in number, will always be fighting. A Muslim will always be directed to seek help of one or the other group though none of them will be able to give him any relief. There will be growing bitterness amongst the Muslims against the Hindus when they vote against the Muslim candidates who enjoy the confidence of the majority of the Muslim electorates. Inside the House these two groups will fight while outside the two communities will drift apart. Let us face the facts honestly and boldly.

This state of things will continue for a period of ten years. After ten years when we fight the general seats we will find that the communal hatred is more accentuated than what it is today. It is quite possible that with no reservation of seats for the Muslims no Muslim representative will be returned. What do we stand to lose? We can call upon the Hindu representative to safeguard our interests- morally he is bound to do so. And even if he is callous not to listen to us, we can consolidate our opposition and position in the country, aligning ourselves with a political group. After all, we have sufficient votes to overthrow one or the other candidate. Henceforward parties will be formed on ideologies and not on religious basis. This action on our part will not only create friendly feelings, inspire confidence and bring the two communities nearer but will also rub off the bitterness which we entertain towards the majority community for wrongs done to us. We look to the election of ten years hence and not to the first election under the new Constitution.

Sir, there is a suspicion lurking in my mind that this reservation is going to be thrust upon us whether we want it or not. The British ruled us by these tricks and the Congress now intends to use the same weapons. By the retention of reservation of seats, the Congress Government wants that the seed of discord should be sown amongst the Muslims which will keep them fighting for at least twenty years.

As I have said, Sir, parties will be formed on ideologies, on class interest and there will be no set up for communal representation. Let us forget the past bitterness and strive to make India great.

In section 10 on page 6 of the Constitution while providing equality of opportunity in the matter of service, the State has reserved right for the reservation of appointments or posts for backward classes of citizens. The word "backward" was added afterwards. We have experience of public services which for some reason or other, even with a sincere effort on the part of the State, could not be secured for a particular community.

It should be left to the discretion of the State to reserve post for particular class of citizens.

I should also like the framers of the Constitution to insert a section prohibiting the use of the Propaganda Machineries of the State including the radio stations for election purpose by the Government in power or other persons.

Sri J. C. GUPTA: Mr. Speaker, Sir, I feel it as a great privilege to be associated with the debate that is taking place today. I confess never before in my long association with the legislature I had the privilege of taking part and lending a hand in the framing of a Constitution for my own people. This privilege carries with it a heavy responsibility There is no room for levity or mutual recrimination We need not imagine the white man stalking through the Constitution We need not project a British hand in it as some members have done We have got to consider the provisions of the Constitution and let us see what is contained there. Let us not rake up the past history or stress the separate electorate and the bitter past about it. I feel, realising the grave responsibility and in all humility due to the grave responsibility, we should consider the provisions on their merits and see whether common man's interest is served or not. With these few words may I draw your attention, Mr. Speaker, Sir, to the preamble. We have got to see wherefrom the power is derived for framing the Constitution. So long we knew that Constitution was framed for us and that was done in the English Parliament. The preamble says "for the first time we, the people of India having solemnly resolved to constitute India, so and so". Therefore, the first thing which we wished for, which we must live for, is that the power must be derived from the people. That is embodied in the Constitution. Power is derived from the people of India. The future of India can be made or marred by the people of India. We shall no longer be able to blame the foreigner, the Britisher; for the ills and evils we shall be held responsible. Therefore, let us realise the full responsibility. There has been some criticism regarding whether it should be "Sovereign Democratic Republic" or something else. Here again I shall say there is nothing in the name. The name does not matter much It is the pith and substance that we must look to and that is what matters.

Sir, I will not take much time but very shortly indicate my opinion regarding some of the important provisions. If we come to the citizenship my opinion is that this should be self-contained, and instead of reference to some other Act, the necessary provision should be embodied.

In the second place, with regard to citizenship there is a confusion regarding political right of citizenship and the civil right of domicile. That should be clear and made certain. Then we shall have to judge the Constitution by looking at the fundamental rights. The fundamental

rights are by this time well known—the rights of equality, the rights relating to religion, cultural and educational rights and other rights have been laid down here. There has been a little confusion in the minds of some of my friends as to whether the rights to religion, which have been laid down here and which have been made a usticiable thing, are really taken away by what have been inserted in section 35 under the Directive Principles of the State Policy. I think our Muslim friends ought to be assured that while describing the rights relating to religion it has been laid down definitely that "every religious denomination or any section thereof shall have the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property; to administer such property in accordance with law" and also other rights I need not read extensively. What has been provided in section 35 is by way of dialectic. The fundamental rights cannot be taken away under section 35 if any uniform civil law is enacted. If it in any way detracts from the fundamental rights guaranteed under Part III then it becomes a justiciable cause and it can be adjudicated upon and the rights—the personal rights guaranteed regarding religious and cultural rights—can be enforced.

Mr Gomes has desired to have the right to sue in Civil Courts. When here is a conflict due to any legislation it has got to go to the Supreme Court, but when a person's status is touched, he can go to the Civil Court o establish that status which he has derived under the fundamental rights and there is no bar to him, because Civil Court contemplates action for enforcing civil status

Now with regard to the fundamental rights I think there need not be any apprehension, but there is only one matter I have looked at the fundamental rights and from my knowledge of the fundamental rights provided in other Constitutions I find omission only in one point and it is his: There is an omission of the provision which we find in the United States' Constitution. That is every person should be secure in his present house—papers and effects—against unreasonable searches and seizure. That is omitted. In my opinion that ought to have been included subject o the right of the State in the interests of the community and in the interest of the stability of the State to make any laws. Excepting this that I have seen of the different Constitutions I find that all the fundamental rights that a citizen of a progressive State ought to possess are there in Part III in sections 7 to 27

Then another point has been discussed with regard to the question of the Centre encroaching upon the Provincial field. Here I think in section 26 a very wide and drastic power has been taken. The Dominion can encroach upon the Provincial field on a question of national importance. You are aware, Sir, unless there was a grave emergency, under the present Constitution Act, the Centre cannot enter into the Provincial list. But here it has been provided, copying it from some Dominion Constitution, that on matters of national importance the Centre shall have the right to encroach on the Provincial list. You know it very well, from the Prohibition cases, cases of Labour legislation and other cases, that such a power has been the subject matter of litigation and as late as 1937 in the appeal cases there was litigation between the Dominion and the States over this. This is too wide a power and we ought not to allow it. In the present world the progressive States are now going towards federation and more power to the States. Here the residuary power has also been given to the Centre. I think in these matters the Constitution should show flexibility instead of rigidity. Rigidity there must be, as I shall presently show. Rigidity there must be regarding the fundamental rights. Those rights should not be disturbed easily by a simple majority vote and they ought not to be made subject to the result of the ballot box. But there should

be flexibility with regard to the governmental machinery which should be changed and adjusted according to the needs of the common man by the people. So my submission is that the provision in section 226 enabling the Centre to enter into the Provincial field on the ground of national importance ought not to be there and only cases of extreme emergency should allow the Centre to come into the Provincial field. Power is there in section 304 for changing the Constitution, and as I have said so far as the Fundamental Rights are concerned and so far as the Directive Principles of State Policy are concerned they ought not to be liable to be changed easily. Sir, I was reading through the Directive Principles of State Policy. Some friends criticised that they should be altered and complained that that has not been a justiciable case. That cannot be. We are saying that every State must provide for free compulsory education. You cannot expect that a State, after all the troubles and difficulties through which the State has passed, will be able to realise the ideal immediately and therefore it cannot be made justiciable It cannot be made a right which can be enforced in court. It has never been done These Directive Principles of State Policy are not to be found in many Constitutions. I think it is the Constitution of Ireland from which these Directives of State Policy have been taken and there also it is not justiciable. It is indicated as a State Policy.

Then on the question of the machinery of government I must say that this Constitution can be accused of a good deal of plagiarism without really bringing the thing into a consolidated whole The provision regarding the election of the Governor has been taken from the American Constitution but the Governor has very little power The Governor in the States is one who does not govern but reigns like the King of England The President in the United States does not reign but really governs and the President in a French State neither reigns nor governs. I see that in making provisions regarding the President and the Governor in the Constitution there has been a little bit of what I should say messing up If we have a Governor elected by the people as is provided in the States there is no necessity of having a Prime Minister again We should consistently follow what is provided in the United States if we so desire. The Governor is elected. The Governor selects his Cabinet and there is a separation of powers between the Governor, the Legislature and the Judiciary. We have not taken all those. The Supreme Court is the highest judiciary in the United States, the President the highest Executive and the two Houses are the Legislature but we have not entirely adopted this. I suppose there has been here an unfortunate messing up which I am sure will be cleared up After all, this is a draft (The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: What is your view?) My view is this that you have an elected President or a Governor drawing the power from the people as the elected representative of the people, but if you want to make him a figurehead it is unnecessary to go through the expense and trouble of a direct election of a Governor or a President That is my view. As I have already said this is a matter of such grave importance that one cannot talk of it lightly. Many persons have put their heads together and formulated this Draft Constitution You know, Sir, in the United States, the Constitution, after it was passed, was sent to the State for confirmation and then the U.S.A. Constitution became law. Here before they have passed the Constitution they are consulting the Provinces, which is an admission of the principle that the ultimate power rests in the hands of the people and therefore they are consulting the people through the Legislature. They have printed the Hindi version and I do not know whether a Bengali version is out, so that every person from whom the power is derived is enabled to read and submit his suggestions. That is the democratic way of doing things. (Janab MUDASSIR HOSSAIN: It is all a mockery.) My friend of course while discussing the Constitution thought of Congress organisations, activities and misdeeds and he did not realise

that they were irrelevant. Of course what is mockery to him may not be mockery to others but what is not mockery to him may be mockery to many others. However, I leave it at that. The only other point that was referred to in the House before me by other speakers and regarding which there has been some difference of opinion is regarding reservation of seats for the Muslims as also for the Scheduled Castes. Sir, my appeal to this House is in this Constitution where the power is derived from the people it is absolutely necessary to take the people with you.

An ideal Constitution should not contain any provision for reservation and other things, we know. But when after the legacy that we have inherited of separate electorates and other things that people have been accustomed to for a certain period of time, please do not force against their wishes any provisions, even though they may be ideal if you cannot persuade them to agree with you. After all, every Constitution is to derive power from the people. You must have the people with you and therefore for a certain period if some reservation is made, do not try to ride roughshod over them and force them to accept certain things. If power is to be derived from the people, the maximum amount of consent, the maximum amount of support from your own people is absolutely necessary. If those who have spent their honest labour thought that this provision has become necessary in order to obtain the largest consent though we may not think it to be an ideal, we ought not to place any objection on that ground. (Janab ABUL HASHEM: Even if it is not wanted.) I do not know if it is wanted or not, but there are many who want reservation. There are some who may not want it. If they did not want it on principle, I should have complimented them. But if there are other views that without reservation we shall see what is the fun, then I think that is not a correct attitude. Sir, I do not want to go into the matter further, but I hope my appeal to my friends will not fall into deaf ears. Let us try to have the maximum amount of support behind the Constitution. With these few words I resume my seat and do not want to take further time.

Maharajadhiraj Bahadur Sri UDAY CHAND MAHTAB of Burdwan: Mr. Speaker, Sir, after the very learned and eloquent speech of my friend, Sri J. C. Gupta, I am afraid it has rather taken away much of what I might have liked to say. But in any case I would like to thank you, Sir, for giving me the honour and privilege to take part in the debate regarding the Draft Constitution of India. It is pleasing to be here today to speak on the Draft Constitution on the floor of this House because at the time the Constitution was being framed originally in Delhi, I was very kindly sent there as a member from the Assembly of Bengal as it was in those days. First I would like to congratulate the members of the Constituent Assembly of India and particularly those of the Drafting Committee on their signal achievement—the Draft Constitution of India. There may of course be room for differences of opinion regarding particular clauses of the draft. But there cannot be two opinions that it is undoubtedly a massive piece of constructive statemanship. At a time when new India's horizon was overcast with ominous clouds and she was frantically seeking for light, it required no mean degree of patience, perseverance and sympathy on the part of the framers to make the future of the generations yet unborn secure in the Constitution of free India. On this difficult task of constitution-making they brought to bear their rich and ripe experiences of the working of the various constitutions in India and their knowledge of the accepted constitutional practices abroad. Yet I think the drafting committee did well in leaving open the question of India's membership of the British Commonwealth of Nations. It is no longer possible to defer the decision, however, when India unquestionably retains the right to secede, should the interest of India so demand. In any case I am sure before deciding one way or the other our leaders will take into consideration the advantages and the disadvantages that may arise by such a severance. Sir, it was simply

not possible for the drafting committee to reach any finality on the much-debated topic of citizenship for the reason among others of the general state of unsettlement all over the country. In view of the state of flux now prevailing it is vitally necessary that the mode of acquiring citizenship of India should be rather easy. Equally vital is the necessity for taking adequate steps, administrative or otherwise, that might prevent the general elections under free India from being frustrated by unscrupulous and floating populations in the border regions. I am also inclined to think that in dealing generally with the problem of citizenship the drafting committee could not be too particular about the special case of those persons who unfortunately have properties in both India and Pakistan and who for these reasons have obvious interests in the prosperity of both the Dominions. To call upon them to fix their allegiance either to this Dominion or to that by a certain date may be the height of administrative simplicity, but it is hardly just to the parties thus affected. Sir, the Draft Constitution appears to have been largely coloured by the Congress point of view. This is perhaps only reasonable that the biggest party of India today should have the impress of its creed on the Constitution of India. The framers have evinced great circumspection, courage and tact in dealing with the thorny question of communal representation, keeping in view the fundamental interests of India. I think they can hardly afford to keep away from their minds the minorities, whether political or not, without imperilling the entire Constitution iteslf.

Sir, apparently the drafting committee want to be fair to all the parties and elements in Indian society and it is with this spirit of fairness that under Article 24 they have provided that compensation must be paid on public acquisition of private property. I am sure that when acquisition are made it will be done according to this standard, for a clear provision on the above question can only generate the necessary confidence which is so vital to the uninterrupted continuance of economic activities in the fields of trade, commerce and industry. It is only natural, Sir, for individuals as well as nations to go sometimes off the rails if not sympathetically conducted along right lines, and provision for healthy checks in the form of a Second Chamber or otherwise is, I think, necessary. It is rather unfortunate that the drafting committee do not propose the setting up of a Second Chamber in all the Provinces. I am not one of those who reckon Second Chamber as the panacea for all ills, but it should not be beyond the wits of constitutional experts to devise some other method which will ensure a healthy restraint upon hasty legislation.

Sir, if any grave emergency threatens a Province, although under Article 188 the Governor has been authorised to proclaim the same, I think the Central Government of India should still retain a special power to intervene where the Provincial Governor is rather sluggish and general disorder is mounting. The Governor acting in his discretion may not be in a position to assess accurately the trouble-shooting potentialities of certain events in the Province, which the Central Government being necessarily detached will have a greater chance to do on an independent enquiry.

Sir, I am inclined to think that the prosperity of India has to be developed from the bottom upwards and the maximum possible autonomy has to be given to the Provinces normally to develop themselves according to their lead and light. To secure this and generally to ensure wider range of powers for the Provincial Governments, Sir, re-distribution of items in the three legislative lists is desirable. Simultaneously, this object is to be pursued in the financial sphere and Provinces should be left with sufficient income or elastic sources of revenue to implement the various nation-building projects which have been put in cold storage all these years on the ground of paucity of funds. I regard the drafting committee's suggestions to continue for a quinquennium the existing system of financial allocation as

quite unhappy, as during the first five formative years after the commencement of the Constitution the need for funds by the provinces will be the greatest. I hope, Sir, the Constituent Assembly will give their close attention to this and other suggestions which have been given by members of this House

I thank you very much once again, Mr. Speaker, for having allowed me to speak.

Mr. C. E. CLARKE: Mr Speaker, Sir, I count it a privilege and a distinction to be in a position to associate myself and my colleague with the discussions on the Draft Constitution of India that are now drawing to a close

Sir, we have purposely refrained, rightly I think, from taking part in controversial debate, but we have listened with lively interest to the speeches by many able and eloquent members and derive much encouragement from the fact that the shaping of the destinies of so vast a nation and the peoples it embraces is in capable hands

In the production of the Draft Constitution a workable instrument has been forged broadly based and of fundamental solidity yet of a flexibility that will admit of adjustment according to the exigencies of necessity.

Its adoption in due course, Sir, can be likened to the launching of a new ship—one that is thoroughly seaworthy and capable of carrying a full load of responsibility. All that is now required is a ship's company composed of people of good-will to play their part in helping to guide the world back to peace, progress and prosperity To this end we extend our sincere wishes for all good fortune, and although it seems almost certain that as individuals we may not be able to take an active part in the affairs of the Nation, our services in any manner that may be open to us will always be available

With there words, Sir, I thank you for giving me this opportunity of associating myself with this debate.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, it was with a good deal of hesitation and even trepidation that I finally decided to take part in the academic discussions we are having in the House for the last few days on the future Constitution of India. Sir, I know that my cry will be a cry in the wilderness The enthusiastic younger honourable members of the House will call me a person out of date and a back number, but I have the satisfaction of having heard in this House that the Constitution as drafted is nothing but a very badly mixed *khichri* It is a hotchpotch of British liberalism and perhaps Russian Leninism, with a leaven of Ordinances and Security Acts. Above all, the impression is deep in my mind—and I cannot get rid of it—that the intention behind it is the establishment of a one party system Government in the country to the exclusion of all others.

The history of one party system Government, Sir, is known to us as it has emerged from stage to stage with the result that there is neither peace nor prosperity in the world to-day. Sir, the great Bengali leader Chitta Ranjan Das had used the sentence that India should have a Government suited to the genius of its people. The framers of the Constitution have scoured over only one half of the globe, because their training and their association with British jurisprudence and British forms and judicial conceptions did not allow them to widen their vision and think of things which would have suited our country and its peculiar conditions Sir, we hear words like "democracy," "masses" and others which are in fashion and vogue to-day. As I said the danger of being called a back number does not take away from me the right to speak. What suited other countries, what suited countries which had fought the battles of democracy and the people over decades and centuries cannot be transplanted wholesale to a country which still has to go far to reach even the lower standards of

A word about "Sovereign Independent Republic" and "Sovereign Democratic Republic". I cannot understand why this phraseology has been adopted and amended. The pure simple word "Indian Republic" would have satisfied every school of thought in this country. But because of these changes and because of these recommendations, the suspicion arises in one's mind that we are not yet likely to get out of the British Commonwealth of Nations. I had hoped, Sir, that I would breathe the air of freedom before I passed away, but the chances are that I shall die a member of the British Commonwealth of Nations and a subject of His Majesty King George VI, of Great Britain and Ireland and the Dominions beyond the seas. We are still members of a black and white empire, of a black and white, if some members so prefer it, commonwealth of nations, with every dominion minus the black ones in India possessing anti-Asiatic laws, anti-Indian rules even to the extent of their homes and places of business. Do you think that the framers of the Constitution have rendered any service to the country by playing with words and not declaring openly that India, even if it has to go through periods of agony, is now determined to break finally and completely with that institution commonly known as the British Commonwealth of Nations? I was twitted the other day by an Hon'ble Minister on the use of the words "Purna Swaraj". If that does not express my meaning completely I would like to be supplied with some other phrase in its place. What is after all in a name? I wonder if the proposed Constitution will take us out of the wood. Will it give us even the shadow of freedom, let alone, Sir, the substance of freedom? When will the strings with which we are tied to the apron of the Commonwealth of British Nations snap asunder? I hope it will be in my lifetime because that association is demoralising and very depressing.

One word more and I shall have done. I should like the Muslims in India once and for all to decide whether they want to live as Muslims or whether they want to change their ideology in conformation with what is called the progressive notions of the white world. The experiment has been tried in China and the experiment has been tried in Russia. The answer of both these countries has been in the negative. Little Poland and little Finland also tried it but there again the result was the same. Our salvation in this country, Sir, which has never been one throughout history, where two civilisations have existed and still exist - the Aryan and the Dravidian, lies not in arithmetical democracy. Sir, with these facts before us, my confirmed view is that our salvation lies in some sort of a millat system, in some sort of a simile once used by Pandit Jawaharlal Nehru years and years ago that the Indian Constitution, that the Indian nation should be like the rainbow with its many colours.

Sir, I have done. I hope the new Constitution which no member has accepted *in toto* will bring us peace, will bring us satisfaction in spite of our differences. I was listening very attentively to the remarks made by the Hon'ble Member for South Calcutta (Mr. J. C. Gupta) that the idea behind reservation of seats for minorities is that every section of the people should associate itself with the Constitution. There is just one little point about that. That is if there is an overwhelming majority of one group and that majority uses all its votes in one direction, there is a chance of the real representatives of the people not finding a place in the future legislatures of the country. Therefore let me add an amendment to the Hon'ble gentleman's theory and that is that whatever system we adopt, let us get the real representatives of the people behind the Constitution and let us in God's name go forward from one pinnacle of glory to another and make India the great nation it deserves to be, the great civilising nation of humanity, because I have come to the conclusion that the white races do not know peace, they do not understand the meaning of peace. We shall have to act as the masters and teachers in that line and India, the great India of tomorrow, will play that role to the entire satisfaction of humanity.

Sri ARABINDA GAYEN: Mr. Speaker, Sir, ভারতের মনীষিবৃন্দের চিন্তার ফলে Draft Constitution--খসড়া নিয়মতন্ত্র আমরা পেয়েছি। পরিষদে প্রবীণ বহুগণ এই Constitution বিশদভাবে আলোচনা করেছেন, আরো করবেন। আমি সংক্ষেপে আমার বক্তব্য ২।৪টী কথায় বলতে চাই।

(301) Part XIV, special provisions relating to Minorities সম্বন্ধে বলতে চাচ্ছি যে সাম্রাজ্যবাদী শাসকের শাসন ও শোষণের পথরূপে তথাকথিত Scheduled Casteএর সৃষ্টি করা হয়েছিল। রাজনৈতিক অধিকারের পথরূপে, অবজ্ঞাত জনগণের উন্নতির জন্য এর প্রয়োজন হয়েছিল। রাজনীতিক চেতনার সুষ্ঠু পূর্ণতার জন্য সংরক্ষিত আসনের আজও প্রয়োজন আছে। রাষ্ট্রের সর্বাঙ্গীন গতিপথকে অব্যাহত ও সঠিক পরিচালিত করবার জন্য সংরক্ষিত আসন ও বিশেষ সুবিধার প্রয়োজন রয়েছে, প্রদেশের শিক্ষা ও সামাজিক অগ্রগতির পথে যারা অনগ্রসর, তাদের জন্য আসন সংরক্ষণ দরকার। এমন বহু গণসমষ্টি আছে, যারা শিক্ষায়, চিন্তায় এবং সামাজিক মানে অনগ্রসর। রাষ্ট্রের সর্বাঙ্গীন উন্নতির জন্য এই সকল অনগ্রসর জনগণের জন্য বিশেষ বিধি-ব্যবস্থার প্রয়োজন অপরিহার্য্য।

শিক্ষা—অনগ্রসর জনগণ-মনের যে শিক্ষার প্রয়োজন, সে শিক্ষা সংস্কারমূলক ও জাতীয় ভাবধারাকে ভিত্তি ক'রে গঠিত হওয়া চাই। জাতীয় ভাবধারাকে উপেক্ষা করে যে শিক্ষা ও শিক্ষা-পদ্ধতি শতাব্দী ব্যাপী চলে এসেছে, তার পরিবর্ত্তন, পরিবর্দ্ধন এখনই দরকার। জ্ঞান-সমৃদ্ধ ভারত আপন সংস্কৃতির মানদণ্ডে, রাষ্ট্রের শ্রেষ্ঠতর নাগরিকের সন্ধান তবেই দেবে, বিশ্বের সঙ্গে ভারতের যে পরিচয় হয়েছে, সেই পরিচয়কে মহান সম্মানে মহীয়ান করে তুলবে, ভারতের বৈশিষ্ট্যের অবদান। সমৃদ্ধ করে তুলবে সভ্যতার পূর্ণবিকাশের মানদণ্ডে।

সামাজিক অনগ্রসরতা—অনগ্রসর গণসমষ্টির জন্য সামাজিক ব্যবস্থা উদার ও মুক্ত হওয়া চাই। ধর্ম্মকে ভিত্তি করে যে ব্যবসায়িক মনোবৃত্তি সমাজ-জীবনকে পরিবেষ্টিত করে রেখেছে, তাকে বস্তুসহকারে পরিহার করবার সময় এসে গিয়েছে। বহু শতাব্দীর ঘাত, প্রতিঘাত, উত্থান ও পতনের মাঝে, ভারতের আত্মা আজও বেঁচে আছে—সামাজিক সংস্কারের মাঝে, ধর্ম্মের ভিত্তিতে বৃত্তির মানদণ্ডে। রাষ্ট্রের কল্যাণকর বৃত্তির মধ্যেই, গঠনমূলক কর্ম্ম প্রচেষ্টা রূপ নেবে। জাতীয় শিল্পের পূর্ণ বিকাশ ঘটবে বৃত্তির নিরিখে নব নব শিল্পের জন্মলাভে। জাতির জনক মহাত্মাজীর সাধনা সফল হবে ধ্যানের ভারত গড়ে উঠবে।

Scheduled Casteএর জন্য সংরক্ষিত আসনের সময় ও কালের সার্থকতা থাকবে— অনগ্রসর জনগণের নিষ্ঠা ও আন্তরিক কর্ম্ম প্রচেষ্টার ফলের উপর।

শিক্ষায় ও সামাজিক মানে অনগ্রসর গণ-সমষ্টিকে সুযোগ দিতে হবে- (১) তাহাদের সংরক্ষিত আসনের দাবিতে, (২) বর্ত্তমান শিক্ষা-পদ্ধতির আমূল পরিবর্ত্তনে, (৩) সামাজিক ব্যবস্থার সংস্কারমূলক গঠন-তন্ত্রের ভিত্তিতে। এজন্য— শিক্ষা ও সামাজিক ব্যবস্থার জন্য অনগ্রসর জনগণের পক্ষে খসড়া-শাসনতন্ত্রে বিধান থাকা চাই।

এই কথা বলেই আমি আমার বক্তব্য শেষ করতে চাই।

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I have been listening carefully to the various view-points which have been advanced in the course of this discussion on the Draft Constitution of India and I was wondering whether this House or those of us who are participating in this discussion realise the historic significance of what we are discussing. Looking in retrospect, Sir, we find a panorama through the vista of history stretching over thousands of years back and that through all that the destiny of India has passed through ups and downs, and through a chapter of darkness that enshrouded this country, for the first time the people of India through their representatives have assembled to evolve a constitution that will determine the destiny of India for centuries and centuries to come—a constitution that may be changed by none but by the will of the people themselves.

We heard, Sir, about Indian inspiration being needed to evolve the constitution of this country. For that purpose we were asked to look to the Millat system of the Turkish Empire or the Moghul Empire. It was, however, not made clear to us what that Millat system consisted of. We would be very much interested to learn what actually it was intended to mean. I was not aware whether, after the Sultans of Turkey had to depart and the Father of the Turkish Nation, Ghazi Mustafa Kamal Pasha,

brought a new constitution into being at the end of the historic speech which he delivered continuing for days and days, the Turkish Constitution itself has been based on that system or not. Sir, we would like to be enlightened on that subject.

However, Sir, one significant factor of the constitution-making that is now taking place in Delhi has been this. Delhi has seen the rise of Governments, the rise of Empires and fall of Empires which have passed into oblivion. India has been ruled, no doubt, under constitutions of some kinds. Those constitutions were ushered into being under the nomadic hordes that came into the country from the Central India or the constitutions came into being by another channel with the oncoming of the British at the latest stage. It is for the first time that the people's representatives from every nook and corner of the country have assembled together in a hall for the making of their Constitution. That is one thing that we ought to bear in mind and it is in that light we have to examine the common points on the basis of which this Constitution is going to be evolved. The efforts of the people might have ended in something like the historic story of the Tower of Babel for their language is not one, by religious ties they are not united as one people. Either from the point of view of language or from the point of view of religion, manners, customs, dress or food we find there is a conglomeration of the most diverse people on earth that could be represented in one august assembly. Nevertheless, there is one unifying factor that binds them. If they speak in different languages, they speak to the glory of the common Motherland. If they worship in different forms, they worship perhaps for the salvation and improvement of their social life so that they may contribute to the common weal of the Indian people and the Indian nation. Sir, it is there that the uniting and unifying factor exists.

Sir, I have heard it bemoaned on the question of minorities that either this has not been done or that has not been done. Sir, the test of the claimants, whichever group of minorities the individuals may belong to, would be how far they identify themselves with the aspirations of India, how far they identify themselves with the invisible forces that are moving the masses of the Indian people, that are making them speak in the common language of spirit, despite the differences of language of their tongue. Sir, it is to that extent that they may claim really to represent India, they may claim to lead the country forward or lead their own community forward. Sir, I am grieved to have to mention one particular feature I have noticed in the course of this debate. Some of the fellow citizens who happen to belong to a particular religious persuasion seemed to me that they were labouring under a distressing complex of feeling that they are not of us, they are not with us and they do not share all the aspirations and feelings together with us, being born in the same land they do not feel that they are ready to die for it, they do not feel that they are ready to merge their entire existence of their being, the entire entity of their community, whole and soul, into this common pool of wealth and goodwill of India.

Sir, I must say incidentally that it was like a refreshing breeze to me when I heard one honourable member delivering his maiden speech. He imported something that seemed to me a fresh breeze, that gave me the hope of a new orientation that hardly ever found expression in this House in such simple form and such directness of style and expression. I say this because I found time and again, in a country, diverse as it is with people of different religions and different languages, some particular group goes on emphasising incessantly about their differences from the rest, incessantly emphasizing, as if with a sacred thread of Brahmin, that he stands in a separate category or some of my fellow citizens who happen to belong to a particular religious persuasion seem to think of that religious community and that community alone, as if thinking that they were faced

with a very grave danger and that the human beings that constitute the population of India are not trustworthy to their sense of goodwill, to their sense of justice, to their sense of equity, to their sense of brotherhood. There is no reliance but safeguard is sought elsewhere.

Sir, that seems to be a cry of despair. I am sorry, Sir, that although from the ideal point of view we do not like that there ought to be any enumeration of minorities or communities, nevertheless the evil legacy has so ordained that today we have got to acknowledge to some extent certain safeguards—not in order to widen difference but in order to begin a process of cementing, so that the sign of difference may disappear and with that the need for communal safeguards may disappear in time to come. I do not know why some friends of mine should have thought that no safeguards were necessary I was very surprised to hear, when I heard that particularly from the ex-General Secretary of the Muslim League which started its career in this country with the claim of separate electorates, then comes forward with weightage, then comes forward with every conceivable thing that might drive a wedge into the people of this soil and finally it came to the theory and proclamation of the theory day in and day out of two nations, and we saw rivers of blood of the two nations getting co-mingled. Now, Sir, suddenly good sense has dawned and it is said that safeguards are no good-wisdom a little belated. How things would have been different if this wisdom had not been belated, or is it still a cry of despair! Is there any lurking fear that under the system of reservation there is no future for those who have polluted, vitiated the atmosphere of this land by the cry of two nations, by the cry of partition and division, by the rest of India being unfit to live in and sharing one nationhood? Is that a cry of despair and is it feared that under the new scheme of electorates there may be no place for them? There may be on the contrary representation secured through the agency of those who bring in and introduce a new note, who introduce a fresh breeze, who introduce that inviting tenor into the common harmony and symphony of Indian nationhood which is conducive to common peace It is perhaps the incapacity to rise up to that conception of Indian nationhood, that conception of Indian nationalism which is making some sections of the people nervous. Sir, I can only sympathise with them. The Prime Minister of India lately expressed with the utmost amount of sympathy that one can conceive of that he realised—he spoke on behalf of the Indian Government that unfortunately certain sections of fellow citizens suffer from a complex of their own that they are passing through a crisis, a spiritual crisis, a psychological crisis and what is needed for them is cure through sympathy rather than through any other course. I understand that after such changes that have taken place perhaps in their bewilderment they have not yet found steady steps with which they are to pursue their new path I say this with the utmost feeling of heaviness in my mind. I would like to see as we saw in the days of danger in the Soviet Union where people from far off places, from different racial stock, speaking different languages combined together for the defence of the common motherland. We did not hear there about the question of minorities, safeguards on the basis of religion or communities. Sir, the same picture might come about in India and we all live to see that the day will not be far off when Indians in their economical, political and civic life will forget to think of themselves in terms of religious communities to which they belong. If they are really sincere in their religious persuasion, let them in the course of practising their religious rites which are absolutely safeguarded and guaranteed by this constitution demonstrate to the Government that sits in Delhi in the Capital itself that they have nothing to be afraid of, that if India exists it exists because India is big enough to afford room to all the different religions or different people, provided they owe true allegiance to the common motherland. Those who place in their heart of hearts that condition need have no fear. Sir, I think some people are suspicious, but we know the type of men that is naturally suspicious. Those

who are buttressed by any inner feeling of loyalty and allegiance to the State and the nation need have no fear. There are religious sects in the country who are far less numerous than certain other religious communities some members of whom seem to be too vocal and vociferous on terms of these safeguards of communal division. I was surprised when I was listening to the example of Turkey and the descendants of Babur and Taimur. I was not reminded, nor was this House reminded of the great constitution of Asoka or the people who made constitution which arose in Bengal. In the days of Gopal also we had an elective constitution. For India's aspiration we were not asked to turn to those examples. I was feeling amused and I feel constrained to think that a leopard changes its colour but does not change its spots. I again hear talk of minorities and talk of minority nations in India, that the minorities in India were not minorities but they were different nations. If the proposal for a Union of Sovereign Independent Republic is inspired by any such feeling of different nations inhabiting this land, I am sorry to say that I cannot but feel that it is again designed to apply the old weapon against the unity of this land, and again to apply the thin end of the wedge of division in order to disrupt the unity of India that we are now building up. After, Sir, separate electorates, minority safeguards, after all these communal awards and after the partition having taken place I thought that there was an end of talking or thinking in terms of communalism. But, Sir, I am sorry to say that the old voice dies hard. It is still heard, Sir, but I hope that it will soon be the last swan song in its death agony and we shall rejoice to find that India learns to talk in new terms and in a new language. There was also a reference to reverse or right about turn from the principle of Provincial Autonomy. What the honourable speaker in his criticism forgot perhaps was that India, particularly the Congress, agreed even to go up to the utmost limit of Provincial Autonomy to concede everything and even to give residuary power to the provinces and allow some sort of a loose federation and nothing more, provided the unity of India was not destroyed, provided from the Himalayas to Kanya Kumarika, from Chittagong to Peshwar, it was one country, one land inhabited by common citizens, but alas, Sir, the conception of Provincial Autonomy did not have the desired effect. It was rather interpreted as weakness on the part of the Congress, it was interpreted as a possibility through which the Congress and the nation could be bullied, so that some people who took it into their heads to disrupt the nation at the cost of everybody's life, happiness, hearth and home to have a little empire built up for themselves They had their way, Sir, but today the time has changed. Today we realise that if India suffers for any reason it is because India did not achieve that unity and India did not maintain her unity and strength as she ought to have done, and if history has to teach any lesson it is this that we have to sacrifice parochialism, we have to sacrifice local interests and we have to sacrifice all that, so that India may survive. Today we may say so because of all other provinces perhaps the West Bengal province, particularly the Bengali people, may claim that they have made this much sacrifice that they have allowed their motherland to be truncated.

They allowed their flesh of flesh their bone of bone to be lacerated, cut into pieces so that a portion at least may enjoy the common citizenship of the Indian Union and so that the Indian Union may survive. Sir, it is therefore we have paid the maximum of price and we are still prepared to make any local sacrifices so that India as a whole may survive. Whenever India as a whole went under—we have seen either the trading interests from the seas or the hordes from the Khyber Pass come to the plains of this country to ravage and they knew no discrimination of language or religion. We have seen the depredations and ravages of a Nadir Shah; we have seen, Sir, other marauders of history who have sunk the capital of Delhi in blood and themselves sat on the throne. The people who inhabited those cities were not scared because they were common brothers in faith. Sir, we have

seen the struggle and turmoil between the Nations although of common religion but of different nationalities inhabiting different countries. This lesson of history, if we fail to remember it, will be at the peril of India's future itself, that if we have to stress any point it is to stress the unity of India after the utmost harm has taken place, after the utmost sacrifices and sacrifices in vain have been made because those sacrifices have not brought us peace. Therefore, Sir, we have got to strengthen the Indian Union; we have got to strengthen the strong Central Government and we know, Sir, even during the days of Moghuls when the Centre was weakened and their defence systems all over the frontiers crumbled down that was a tempting invitation for the adventurers from afar to come and walk into India. Sir, today those who do not realise the need for this emphasis for centralism in India, those who do not realise the need for uttermost centralism in our defence organisation on the basis of which the Indian nation may survive will be merely shutting their eyes while they are wide awake, or they are trying to delude themselves or us in order to lead us astray. Sir, today the realisation that has been forced upon the Indian people will not allow them to swerve from that path and I therefore think that it is needless now to think in those terms. I again sympathise with them for their failure not to be able to reorientate themselves.

Sir, coming to another point about the relation between the Centre and the Provinces, I have got something to say on the question of financial arrangements and the provisions made thereof. I do not wish to say much on this, because my honourable friend Sri Nalini Ranjan Sarker will be throwing light on that subject and will be making concrete suggestions whereby in the Indian Union the financial interests of the constituent states may be safeguarded in adequate measure, consistently with the financial needs of the Centre at the very core of national life. Sir, in that connection I would only mention that, as regards the powers that have been invested in the provinces, again a provision has been made for emergency, and in an emergency the President of the Indian Union and the Central Parliament have been made supreme and quite naturally so. I think we do not know if it will ever come, if ever a time came and in the event of invasion or occupation of any territories of India it may be necessary for the Centre to assume utmost power and the Centre, after all, will rule with the help of the Indian Parliament which consists of the representatives of the Indian people. Nevertheless, I have one criticism to offer and it is this. Certain provisions are contained whereby, in spite of the proper and efficient administration of Central enactments, the Centre may have its own system of judiciary in the different provinces. Herein lies the fear. It is not quite clear what led them to suggest this and I fear that unless there was any very special reason which they might elucidate hereafter, that would be a provision which would be rather dangerous for the proper and smooth working of the system of administration of justice. There would be the danger of parallel judiciary in every province on particular subject, just as today even in income-tax matters, for instance, a subject which falls within the purview of the Centre the Provincial Courts have to decide the issues. Any disputes arising and being required to be adjudicated are adjudicated by the courts of law which exist and have a recognised status under the present Constitution. High courts have been provincialised in the different states and provinces and I think they are quite competent to deal with such matters. Only if the Centre ever felt the need of special legislation to ensure a more speedier and smoother or special system of justice they may aid the courts with the special system of legislation, so that that purpose might have been served, but it would be dangerous and it would breed more conflicts of jurisdiction and authority if multiple or parallel systems of judiciary were allowed to function. This point has already drawn the attention of the members of the House and I hope adequate representation will be made in that behalf also. I do not wish to say anything more at this fag end of the day and I would thank all those who have benefited us by advancing different views but at the

same time, Sir, I would appeal to all those to think in terms of common endeavour with a common purpose. Therefore let there be no failure in identifying ourselves, to whatever religious community we may belong, with those who bear true allegiance to the Indian National State, and as common citizens we shall have no fear and no safeguards in time to come to clamour for. And, in this historic cause, destiny has so ordained that people of the present generation will be looked up to by the unborn generations to come as having given shape to their constitution, the extent to which they should all feel oneness of heart, oneness of purpose, a single inspiration, and a common devotion to the common motherland, to that extent they will fulfil their tasks today to the pride of the unborn generations to come after them. If history has placed us in our present position let none of us fail to discharge our task properly.

With these words, Sir, I thank you for giving me this opportunity. (Loud cheers from the Treasury Benches.)

Sri BASANTLAL MURARKA: Manoniyo Speaker mahodai; Desh ke bidhan ka bichar kerney ke pahley hum ün mahan purshon ko naheen bhula saktey hain, jinki balidan ne humko swatantra delaie hai. 1857 ke ghadar ke andolan ke un bir istry purshon ko kaisey bhulaya ja sakta hai, jinhon ne swadhinata ka andolan arambh kiya. 1905 ke bung bhang ke andolan ke ün bir nawjawakon ne jin mey Khudiram, Kanailal Dutt aur doosrey doosrey biron ne swadhinata ke andolan me balidan kerke jiwan atpun kiya hai, kaisey bhulaya ja sakta hai. Lokhmaniya Tilak, Dada Bhai Narozji, Surendra Nath Bannerji ko bhi kaisey bhulaya ja sakta hai, jin hon ne rajnitik prerona humko di hai. 1919 ke Jalianwala Bagh ke un shaheeden ko jin me Hindu aur Mussulman ne swadhinata ki hey eksath khoon bahaya, unko kaisey bhulaya ja sakta hai 1921 sey 1942 tak swadhinata andolan me jin me, Desbandhu Das, Motilal Nehru, Lala Lajput Rai aur Despriya Sengupta they, aisey mahan purshon ko kaisey bhulaya ja sakta hai, jin ke bahdan ke karan humko swatantra milihai. Hamarey Netaji Subhash Chandra Bose, jinhon ne Azad Hind Fauj ka sangathan kerke sarey sansar ko dekha diya, ke ab hamari swatantra kokoie shakti naheen roak sakti hai, unko kaisey bhulaya ja sakta hai. Hamrey Rashtpita Mahatma Gandhiji jinkey jadoo ki mantei ki tarah humko swadhinata mili hai, unko kaisey bhulaya ja sakta hai.

Bidhan ka draft Roman lipi aur angrezi bhasha me likha hua dekhker ashcharj aur dukh hotahai. Kisi Rajnitik angrez ne kaha tha ke kisi des ko gholam banana ho to apni bhasha ka purchar kerdo. Esi uddesh ko leker angrezon ne hamarey yahan angrezi ka purchar kiya aur hamlogon ko gholam banaya. Angrez bharatwarsh se chale gaey hain humko rajnitik swatantra milgaie hai, kintu unki bhasha ki gholami hamarey mastak per kam ker rahi hai. Isliey hamarey banneywaley bidhan Hindustani bhasha aur deonagri lipi me likha jana chahi-ey, iske atirikto mera yeh kahna hai ke hamari rasht bhasha Hindustani aur lipi deonagri hona chahi-ey, aur hamari kendriya sirkar ki bhasha yahi hogi.

Bidhan ke nirman kertaon ne apni joggota aur kathim parissram se jo act banaya hai, üssay na to humko purn swatantra milti hai aur na manovata ka purn bikash hota hai Manovata ka purn bikash to jab hi hoga jab ke hamarey rashtpita Mahatma Gandhi ke bataey huey Ram Raj ke adhar per bidhan banaya jaey. Koie koie kahta hai ke Amrica ka bidhan, Great Britain ka bidhan, Japan ka bidhan perja tantra ke liey sarbserasht hai, koie koie kahta hain ke samajbadi bidhan des ke liey sarb serasht hai. Kisi kā yeh kahna hai ke Dictatorship hi des ke liey lab daik hai. Kintu abtak dekhagiya hai ke des ka bidhan kisaka bhi ho, na to Hindustan ko purn swatantra mili hai aur na des me shanti isthapit huie hai. Ram Raj doara hi des me shanti isthapit kersakti hai, des me manovata ka bikash kersaktey hain. Ram Raj Punchayat Raj ki isthapana hai. Punchayat Raj me mazdoor kisan ka raj naheen hai na Zamindaron ka raj hai, na bepareon ka raj hai. Isme to sarbsadharan

ka raj hai, sarbsereni ka raj hai, na isme Governor ke pudh hai, na Upper House ki babastha hai, na Mussulman aur na Schedule Caste ke liey seaten reserve hain. Angrezan ne Hindu jal and Mussulman jal ka bhavana phaila kerke sampradaikta ka beech rupan kiya hai. Hamarey Bidhan ke nirman dataon ne Mussulman aur Schedule Caste ke seaton ke reserve kerne ki suparesh ki hai. Issey asamanta phailti hai. Ab to jatpat janewali hai. "Jatpat pujai naheen koie, Hindustan ko puja jo Hindustan ka ho" Hindustan ka hith dekhnewala Hindustani hi hosakta hai. Ishey bidhan me koie bhi jati ke liey reserve seat naheen hona chahiey Hamarey pritinidheon ko yeh bhi adhikar hona chahiey ke Hindu dharam ho ya Mussulman dhram ho, usko neonirman kersakey. Bartaman bebastha me bina amool parivartan kiey des me arthik, samajik, rajnitik purn swatantra naheen milsakti hai. Apna dekha hoga ke Hindu Code bill ke jaisa dharmek kerantikari bill pesh naheen kiya ja saka. Isliey bina bidhan me kirantikari parivartan kiey des ka bikash naheen ā sakta.

Upper House ka isthan bidhan me naheen rahna chahiey.

Bidhan me agar rakha jaiga ke sabhapati ko 15 member chunney ka adhikar hai to un me ek arthik visheshakon ko bhi chunney ka adhikar hona chahiey.

Sri KUBER CHAND HALDAR: Sir, the question of reservation of seats in the Legislature and Services under the Government for the Scheduled Castes has been amply discussed before the House by some of the honourable members, and I cannot refrain from speaking a few words on the subject by way of comment The invidious distinction between man and man in the Indian social life was the order of the bygone days. This along with other social restrictions sealed the door of education and improvement to the Scheduled Castes and theirs was a fate to suffer and to sink into the deepest depth of degradation and humility To do with this long-standing gross injustice, the question of improving the lot of the dumb millions struck the brain of the legislators and the Scheduled Castes were given some political safeguards. The Draft Constitution has made provision for reservation of seats in the legislature for the Scheduled Castes but there is no parallel provision of reservation of Government services for the said community. The soundness and reasonableness of the provision has been challenged by some of the honourable members on very many grounds which require to be commented upon.

The suggestion that in case the practice of reservation of seats be continued, some persons will continue to be backward, is not borne out by facts. A study of statistics from 1937 down to this day will reveal that there has been a happy tendency towards improvement. The argument that the reservation of seats for a particular community will prolong the feeling of communalism is not, in my opinion, a sound one. Reservation of certain rights for a certain section of people who profess the same religion has nothing to do with communalism.

The Scheduled Castes who constitute about one-fifth of the total population of India are undoubtedly an essential element in the body-politic of India. It is but natural in the interest of these dumb millions and also in the larger interest of the State as a whole that they should be given a fair deal by way of being allowed to send their own representatives to have their say and to shape their destiny and it will certainly be a flagrant dereliction of duty towards the Scheduled Castes, if some political safeguards are denied to them.

In the circumstances of the case, I suggest that the provision of reservation of seats in the legislature for the Scheduled Castes in the Draft Constitution should be retained and similar provision should be made in respect of reservation of Government services for the said community.

Sri ANNADAPRASAD MANDAL: মাননীয় সভাপতি মহাশয়, আমাকে সব শেষে, যখন সদস্যগণ উত্যক্ত হয়ে উঠেছেন, তখন আহ্বান করায়, আমি অত্যন্ত আনন্দিত এবং কৃতজ্ঞ। যা হোক আমি এই খসড়া গঠনতন্ত্র বিষয়ে সংক্ষেপে দুচারটে কথা বলছি। এই যে Draft Constitution তৈরী হচ্ছে এর আগে যে ভারতীয় Constitution ছিল বৃটিশ গভর্ণমেণ্টের অধীনে সেই Constitution শেষ হয়ে যাবার পর একটি ক্ষণস্থায়ী সংশোধিত Constitution চলেছে, তারপর খসড়া গঠনতন্ত্র তৈরী হয়েছে। সেটা তৈরী করেছেন আমাদের দেশের প্রতিনিধিগণ।

কোন কোন মেম্বর বলেছেন নূতন Franchise হবার আগে এরকমভাবে খসড়া গঠনতন্ত্র হওয়া ঠিক নয়, সেটা review এর chance দেওয়া উচিত, তা নিশ্চয়ই দেওয়া যেতে পারবে বলে আমার মনে হয়।

আমার মাননীয় বন্ধু আবুল হাসেম সাহেব যে বলেছেন এই খসড়া শাসনতন্ত্র fraud, মিথ্যা, ইত্যাদির উপর প্রতিষ্ঠিত --তাঁর এই উক্তি একেবারে উদ্দেশ্যপূর্ণ ও বিদ্বেষ-প্রসূত বলেই আমার মনে হয়। কোন গভর্ণমেণ্টেই প্রতিনিধিস্থানীয় ব্যক্তিরা যে গঠনতন্ত্র তৈরী করেন তাঁরা যে মিথ্যার উপর ভিত্তি করে সেটা তৈরী করেন এটা কেউ কখনও মনে করতে পারে না। সুতরাং এই প্রকারের যে সব উক্তি তা কেবল লোককে ধোঁকা দেবার ও বাহাবা নেবার জন্যই করা হয়েছে। আমি এ সম্বন্ধে আর বেশী কিছু বলতে চাই না। গঠনতন্ত্রে যে সব বিষয় উল্লিখিত হয়েছে তা থেকে আরো কিছু কিছু পরিবর্তন হবে। এবং সেই উদ্দেশ্যেই দেশের প্রতিনিধিস্থানীয় ব্যক্তিদের দ্বারা তৈরী খসড়া গঠনতন্ত্রকে সমস্ত প্রদেশের প্রতিনিধিস্থানীয় ব্যক্তিদের বিবেচনার জন্য প্রত্যেক প্রাদেশিক পরিষদে পাঠান হয়েছে এবং পরামর্শ আহ্বান করা হয়েছে। আমরা পরামর্শ দিব, তাঁরা যা উচিৎ মনে করবেন দেশের মঙ্গলের জন্য সেটুকু পরামর্শ তাঁরা গ্রহণ করবেন।

আমি মনে করি না যে এই গঠণতন্ত্রে প্রদেশের ক্ষমতাকে পঙ্গু করা হয়েছে কেন্দ্রীয় গভর্ণমেণ্টের দ্বারা। যে অবস্থার মধ্যে আমরা স্বাধীনতা পেয়েছি, যে বিপদের মধ্য দিয়ে এই স্বাধীনতা আমাদের করতলগত হয়েছে এবং যে বিপদ এখনো পর্য্যন্ত বিদ্যমান রয়েছে তাতে কেন্দ্রে ক্ষমতা ঘনীভূত করাই আবশ্যক। আমরা কখনো মনে করতে পারি না প্রদেশের ক্ষমতা কেড়ে নেয়া হয়েছে। বরং আমি মনে করি কেন্দ্রীয় গভর্ণমেণ্ট ঠিকই করেছেন তাঁদের হাতে ক্ষমতা রেখে। Frontier Province যাতে আক্রান্ত না হয়ে বিপদগ্রস্ত না হয়, যে স্বাধীনতা আমরা বহু কষ্টে অর্জন করেছি তা যাতে বিপদগ্রস্ত না হয়, যাতে তাকে রক্ষা করা যায় সেই রকমের ব্যবস্থাই খসড়া শাসনতন্ত্রে করা হয়েছে। তাছাড়া, কৃষক ও মজুরগণ যাতে রক্ষিত হয় তার ব্যবস্থা এতে করা হয়েছে (A voice from the opposition benches ....আহা কি চমৎকার ব্যবস্থা!)।

মনে রাখতে হবে---এতদিন বৃটিশ শাসনের ভিতর যে ধারার মধ্যে আমরা ছিলাম সেই ধারাটাকে হঠাৎ সম্পূর্ণ রূপে নিশ্চিহ্ন করা উচিৎ হবে না। সেই ধারাটাকে কিছুকাল রাখা দরকার বলে আমার মনে হয়। কারণ, লোকে এখনো পর্য্যন্ত সেই ধারাতেই চলতে অভ্যস্ত, এবং সেটা একেবারে মুছে ফেলে দিতে সময় লাগবে; যদিও কেন্দ্রীয় গভর্ণমেণ্ট এবং গণপরিষদের সভ্যদের লক্ষ্য রয়েছে কি প্রকারে, কি করে একটা আদর্শ রাষ্ট্র, অর্থাৎ জনগণের রাজ প্রতিষ্ঠিত হয় সেইদিকে, কিন্তু সেটা সম্পন্ন করা একটু সময় সাপেক্ষ।

অনেকে reservation of seatএর কথা বলেছেন। আমার মনে হয়, এটা কিছু দিন রাখা উচিৎ। আমাদের এখনো এই রকম একটা আবহাওয়া সৃষ্টি হয় নাই যে আমরা সকলেই সকলের সমান মনে করতে পারি। আমাদের এই স্বাধীন গভর্ণমেণ্ট দেশময় এই অবস্থা আনয়নের জন্য কৃতসংকল্প। কিন্তু সেই অবস্থাটা আনতে একটু দেরী হবে; সেই জন্য কিছু দিনের জন্য এই reservation of seat রাখা দরকার। যখন Scheduled Caste, মুসলমান সকলেই মনে করবে যে আমরা সকল দেশবাসীর সমান তখন আর আলাদা প্রতিনিধি পাঠানোর দরকার হবে না। পূর্বতন গভর্ণমেণ্ট এরকম অবস্থা আনার জন্য চেষ্টা করেন নাই। সেই অবস্থা সৃষ্টি করার পূর্ব পর্য্যন্ত কিছুদিনের জন্য reservation of seat থাকা দরকার। রাত হয়ে গেছে, আমি আর কিছু বলব না।

Mr. SPEAKER: So far as the general discussion is concerned it is closed today. Tomorrow we shall take up the motions. The House stands adjourned till 3-30 p.m. tomorrow.

Adjournment.

The House was then adjourned at 7-6 p.m. till 3-30 p.m. on Thursday, the 16th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Governmnt of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 16th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 61 Members.

(Starred question No. 13 was called.)

The Hon'ble Sri BIMAL CHANDRA SINHA: May I submit, Sir, that the Hon'ble the Premier has been called to Delhi and this question may be held over.

Mr. SPEAKER: Yes.

(The question was thereupon held over.)

Motions on Draft Constitution of India.

Mr. SPEAKER: We will now take up the debate on the resolutions which have come to us with regard to the discussions which had taken place on the Draft Constitution. I should like to say that there has been enough of discussion during the last four days. I do not want to shut out further discussion on these matters, but I would request the honourable members to confine their discussion to the minimum and to the specific motions which will be before the House.

Janab MUDASSIR HOSSAIN: You mean general discussion?

Mr. SPEAKER: Motions are now being put before you and so far as discussion is concerned on these motions, I would request the honourable members to confine it to the motions themselves and to speak as little as possible, because the desire was that there was no necessity of further discussion. I am of opinion that there should be no bar to discussion but it should be the barest minimum. Motion No. 1—Janab Abul Hashim.

Janab MD. KHUDA BUKHSH: Sir, the motion also stands in my name. May I be permitted to move it?

Mr. SPEAKER: Yes.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that in place of the words "Sovereign Democratic Republic" in the Preamble of the Draft Constitution of India the following words be substituted, viz., "Union of Independent Republics of India."

Sir, after the speech of an Hon'ble Minister delivered yesterday towards the close of the debate I do not know what good our taking part in this discussion would do. Indeed, Sir, I am afraid that by my temerity and hardihood to present a point of view other than that of the Hon'ble Minister I am exposing myself and perhaps those who share my views to share the wrath of the powers that be. Anything we say is looked upon with suspicion; and unworthy, ulterior motives are read in all our utterances made in good faith and with sincerity. I should not have taken any notice of what he had said, but, Sir, he not only insulted the Opposition, but in his speech he thought fit to threaten us and he also went on to say that we shall perhaps not be permitted to say those things for long and he has made

insinuatory remarks about our *bona-fides* and our loyalties. Sir, I ask to what purpose is all this thunder used. Is it to take a fresh declaration of loyalty for our homeland or is it to scare us away and bully us into submission to a political party? Sir, I can say this, at least for myself——

Mr. SPEAKER: Order, order. Will you kindly confine yourself to the Resolution?

Janab MD. KHUDA BUKHSH: Sir, I submit that yesterday the Hon'ble Minister chose to raise some fundamental points regarding the viewpoints presented to the House by some members at one time belonging to the Muslim League and, Sir, you have permitted him to pour out wrath and venom——

Mr. SPEAKER: Order, order. You have said enough. That ought to be enough. There is no right of reply in this debate. There is a motion before you and you should confine yourself to that motion.

Janab MD. KHUDA BUKHSH: Sir, this has relevancy to the motion that I have moved. If you will please permit me to finish my speech, I shall be able to prove to you that whatever I said has a direct bearing on the motion.

Mr. SPEAKER: Excuse me. It has got no bearing on the motion itself. I have heard you enough, and I think you have spoken sufficiently for the purpose for which you have been speaking. As a matter of fact, you are not replying to the Hon'ble Minister. I closed the debate yesterday and I cannot reopen that now. You can take another opportunity for saying what you have got to say. So far as the present debate is concerned, I think you have said enough and you ought to confine yourself to the motion before the House. I have made it clear at the very outset that speeches would not be permitted beyond the motions themselves; otherwise it will be reverting to general discussion without any benefit out of it.

Janab MD. KHUDA BUKHSH: Sir, I bow down to your ruling. There are certain points which needed answers. But since you have said that I shall be permitted to raise them on another occasion, I shall confine myself to the motion.

Sir, in the general discussion the honourable members have criticised the Draft Constitution on the ground, among others, that it aims at the establishment of a unitary form of Government with powers concentrated in the Centre. Sir, the Draft has put in the Concurrent List even those subjects which were under the exclusive jurisdiction of the provinces under the 1935 Act. And not satisfied with even this it has provided that Parliament shall, while a proclamation of emergency is in operation, have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List.

Sir, where is then the autonomy of the provinces that we had hoped to get after independence was won? In the Draft the autonomy and the powers of the States are whittled down and the Centre has been overweighed with powers. I submit that such a scheme of things is not suited to our country—which is a country of long distances and a variety of peoples. Sir, India is a vast sub-continent inhabited by peoples of varied cultures and traditions and by peoples of varying degrees of political advancement. A type of Government considered suitable for let us say the Central Provinces, may not be suitable for us, because, Sir, a Government must take into consideration and satisfy local conditions. The States must be assured full powers to manage their own affairs according to local conditions obtaining in them. As I said before it is the State Governments that will be in intimate touch with the people and it is they that will be directly responsible for ensuring the welfare of the people.

Sir, to foist a rigid inflexible unitary type of Government on all the States will not conduce to the interests of the States, when each of those States has problems peculiar to itself. When we are agreed that India is a vast sub-continent we should not think or speak in terms of standardisation in the matter of Government for all the component States. I mentioned earlier that perhaps the Drafting Committee are suffering from a fear complex that without over-centralisation the country might disintegrate. Sir, I do not think there are reasonable grounds for such a view. Janab Abul Hashem recalled how in the face of a common problem the States of the U.S.S.R. gravitated and met their problem. Similarly all the States of the geographical entity, that is India, shall voluntarily unite and ensure for all time to come our freedom and the unity, integrity and honour of India. Sir, it is not so much the unitary type of Government that will make the peoples to band together and live together as the relationships which this Constitution, when put into operation, are going to forge and create between the Centre and the component units. If the powers of the States are curtailed and if they are over-ridden frequently by the Centre, as it is bound to happen under the kind of Constitution envisaged in the draft, it will surely result in discontent and friction. And, Sir, as I said, it will be this discontent and friction that will sow the seeds of disintegration. Sir, I know that I am liable to be misunderstood but, Sir, posterity will judge the correctness or otherwise of our views. The fruits of this Constitution will perhaps not be enjoyed by us but by posterity. I say this for having it on record that this is our considered opinion and, Sir, I leave it to posterity to judge whether we have been right in our assertion. Sir, then there is another aspect of this question. Overweighting the Centre with powers tends to kill State initiative. The States shall have to look up to the Centre for the approval of their undertakings and the Centre may feel constrained, Sir, for reasons of Central policy, to put it mildly not to accord approval to some of those undertakings. The States may continually be held in leash and not allowed to march forward in the direction of progress if the Centre is manned by people not wholly sympathetic to the aspirations of the particular State. Sir, the States may even be used as pawns in the political chess boards of power politics. Sir, it is not my intention to rake up the past, but it is certainly my intention to ask the House to profit by their past experiences. Bengal and her politics have not found favour with the powers that be in the past; Bengal and her demands are not finding favour with them even now. Her demands accepted by all canons to be legitimate and fair are ignominiously dubbed as parochialism and petty provincialism. Sir, I said that on the human factor that will be called upon to implement the Constitution will depend what relations are created between the Centre and the States. Sir, we therefore cannot link up our fate as inhabitants of West Bengal with the rest of India. We cannot surrender ourselves tied hand and foot to the rest of India.

Sir, even in the financial field, this over-centralisation has its evils. The Union Government if it so chose could help in the progressive impoverishment of a State by prescribing an arbitrary method of distribution of revenue and taxes. Sir, even the Congress Government of West Bengal have seen through the sinister implications of the provisions in Part X, Chapter I, and have moved a resolution suggesting a just and fair distribution of revenue and taxes.

Sir, what I propose is that the component States shall be completely autonomous units voluntarily ceding to the Centre such minimum powers as are essential for defence, communications and for co-ordinating the activities of the States for the ordered progress of India as a whole. I want that consistent with the unity and integrity of India, West Bengal should be free to march towards her goal of self-realisation, self-Government and self-fulfilment.

I have, therefore, suggested this nomenclature of Union of Independent Republics of India as it correctly describes the status of the States and also that of the Union Government. Sir, if I have understood the speeches of the honourable members aright this is the type of Government they visualise. I request honourable members now to give concrete expression of their views by accepting my resolution.

Sri JYOTI BASU: Mr. Speaker, Sir, in rising to speak on this motion, which has just now been moved by Janab Khuda Bukhsh, I should like to make it clear that everybody—all sections of opinion in this country—are agreed that India must achieve a rocklike unity of the people inhabiting this country but, at the same time, we know that there are two paths—two ways—by means of which this unity can be achieved. One is by way of compulsion, that is, by compelling all the peoples of India inhabiting the different Provinces to make over the rights which they possess to the Centre and from the Centre by the whip and by the concentration camps to rule the country. The other is the path of persuasion, through voluntary submission of the different peoples to build up this great grand unity throughout India. It seems to me that the first path has been chosen by the Congress after it has come to power as it has been embodied in section after section in the Draft Constitution of India, but as far as we are all aware each Congressman and Congress leaders are trying to forget at this moment that the second path that is the path of voluntary unity of India was the path which has been chalked out by the Congress for the last so many years while they were struggling British Imperialism. The second path, the ideal which the Congress had set before itself was the path of self-determination of all the peoples of India. Self-determination, as I understand it, means that every Province or every people having the same language, culture, economic and material development would develop all these things according to their own lights without the interference of the Centre. In fact we know that apart from the particular nationalities inhabiting India, that is, the Bengalis, Biharis, Marhattas, Assamese and so on and so forth, there are many other smaller groups who cannot be called or termed nationalities, but who also have their own languages, either written or unwritten, their own culture and so on. For all those peoples it is essential that they should be given the right, the freedom to develop these according to their own lights. Unfortunately we find that this today is not being granted by the Draft Constitution to those national units or smaller groups inhabiting India. And the Congress High Command, the Congress leaders in all the Provinces and at the Centre are telling us that a new situation has arisen and therefore it is not possible to have this voluntary unity to give such rights to the people of which they were talking about for more than a decade or so. We know that once these rights and responsibilities are given to the people in good faith, then alone the forces of separation and disintegration which are raising their heads in India can be tackled. There is no other way out of this situation, but the path chalked out by the Congress leaders, as I have said, is quite different. We find, for instance, that in Assam, Bihar, Bengal, Punjab, amongst people speaking Tamil, Telegu, Malayalam, etc., this question of provincial separation, provincial rights and responsibilities are raising their heads, but not in the way we would like these things to be raised but in a disruptive way. We know that if these rights are not guaranteed by the Centre voluntarily, then it will be possible for some of the Congress leaders to take the people along with them in their disruptive provincial move. We know, taking the example of the Union of Soviet Socialist Republics, that the national problem there which is almost similar to ours was tackled in this manner. Of course, I know that the Hon'ble Ministers speaking from the Government benches, especially the Hon'ble Sri Bimal Chandra Sinha, does not like the Soviet Union, and there are others who say that it is a totalitarian state, but there is at least one Minister Sri Niharendu Dutt Mazumdar who remembers his days in the past when he

was a prominent Communist (Janab ABUL HASHEM: Was he?). He was once but he was expelled from the party. However, he has said, pointing to the Muslims, that they should take their example from the Soviet Union. I am glad he did so. In that country amidst great dangers and in the midst of the international war in 1917, when an attempt had been made to dismember the Soviet Union and to make it a colony and at the same time a civil war was going on in the Soviet Union, the like of which we have not had in our country, rights were given to people. Even aimdst those difficulties the Soviet Union had sufficient faith in the people of the country. Under the leadership of Lenin and Stalin the Soviet Union had sufficient faith in the people to tell them that they had not only all these rights but they had been given the right to secede from the Soviet Union if they so wished. But when once this call went forth, people even amidst those difficulties rose to a man in joyous response and all united to throw the enemy out. This law of the Soviet Union under which each would develop his own nationality helped in the creation of a mighty Soviet Socialist Republic. Only Finland took that opportunity to secede. But no other unit seceded from the Soviet Union, but they all united to throw back the enemy But our capitalistic Government not having the same faith in the people--that is the crux of the situation are afraid that once these rights are given, the people may misuse those rights. This has always happened to leaders who have no faith in their own people. I have heard leaders say that people have become irresponsible after the 15th of August, 1947. In fact if that is the situation, then naturally under this Constitution it is provided that if they do not voluntarily give up their powers and unite, they will have to be whipped to do so, and that has been provided in the Constitution That is how the leaders think that a slave unity can be built up from Delhi, and that that would be sufficient for them It does not matter in the least to them if the national and provincial languages and culture and so on do not flourish and develop. If the economic life and material prosperity of each Province do not develop, it does not matter to them in the least Everybody and every Province have to sacrifice everything that they have got at the altar of capitalist monsters who are ruling from Delhi from behind the scene. That is why as far as this Preamble is concerned a suggestion has been given by Janab Abul Hashem and Janab Khuda Bukhsh but we know anything like it cannot be accepted by the Drafting Committee or by the Congress High Command. It is impossible for them to accept it. In actual effect if this is to be accepted that India will be a voluntary Union of Republics, it will mean that lock, stock and barrel this Constitution will have to go and a new one will have to be put in its place That is why we know that it cannot be accepted because that would be a real democratic procedure, that would be the acceptance of a thing behind which there will be the support of the people but not the support of the capitalists. That is why, Sir, it cannot be accepted by the all-India Congress leaders.

The Hon'ble Sri NIHARENDU DUTT MAZUMDAR: On a point of personal explanation, Sir. A reference has been made to me. As usual, I do own my paternity of the party called the Communist Party I was the father of that party before the honourable member speaking even attained his adolescence.

Sri JYOTI BASU: On a point of order, Sir. I am on a point of order, Sir, and you must give me a chance to speak on my point of order.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: As I am going to make a suitable reply to his statement, Sir, of a doubtful veracity, I know the reason why he has now risen to a point of order.

Sri JYOTI BASU: On a point of order, Sir.

Mr. SPEAKER: What is your point of order, Mr. Basu?

Sri JYOTI BASU: My point of order is this. Can you allow at this stage a Minister to go into the debate which I have raised because previously you stopped Janab Khuda Bukhsh from making a personal explanation. If that is so, why should the Hon'ble Minister be now allowed by you to make such a statement?

Mr. SPEAKER: The point is that you have made a personal reference that he belonged to the Communist Party and that he was expelled from that party. Now if the Hon'ble Minister wants to say something in that connection how can I prevent him?

Sri JYOTI BASU: Then, Sir, at every stage of a personal reference everybody will get up and make a statement. You may allow him, Sir, but you must remember that you would be creating a bad precedent.

Mr. SPEAKER: What I say is that a particular member is certainly within his rights to rise on a personal explanation. How can I prevent him from doing so? You have made a direct charge against him and he has a right to speak to clear up the points of reference made.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: To clear up the point of personal reference made to me, as I said, as usual a statement of questionable veracity was made. I do own my paternity to the Communist Party of Bengal before the honourable member had attained adolescence to find admittance into that party. For, I was the father of that party. But unfortunately when the British War broke out, the British Rulers purchased the members of that party and I found my place in jail and the members of that party found their places as Churchill's jackals behind him. That is the fact of the position.

Sri JYOTI BASU: Again a personal reference has been made in a very unparliamentary language. I do not mind that. Don't ask him to withdraw because according to his culture he will speak

Mr. SPEAKER: No, I cannot allow these aspersions. I will ask the honourable member to withdraw the word "jackal".

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I am sorry that the honourable member thought that it referred to him. I was referring only to Churchill's jackals whoever they might be. It was far from me to refer to any honourable member, but if he insists on thinking that it meant him, I am very sorry. I think it is unfortunate. I withdraw because the jackal will feel insulted.

Mr. SPEAKER: Order, order. You must withdraw the word.

Janab MD. KHUDA BUKHSH: You have asked the honourable member to withdraw the word "jackal", but it must be replaced by some other word to make any meaning. He said "Churchill's jackal". If only the word "jackal" is withdrawn, then there will be no meaning.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I may tell you that the Hon'ble Mr. Churchill on the floor of the House of Commons used the term "jackal" and I was simply following the parliamentary precedent in that context.

Sri JYOTI BASU: I do not know whether the Hon'ble Minister has withdrawn the word or not. I do not care because, as I have said——

Mr. SPEAKER: He has.

Sri JYOTI BASU: Because this is consistent with his culture and breeding that he will make such a statement.

Mr. SPEAKER: I cannot allow a discussion on this.

Sri JYOTI BASU: No, Sir, I know that, but just now as a reference has been made, I must make a personal explanation. You must allow me to do that.

Mr. SPEAKER: You do that.

Sri JYOTI BASU: The Hon'ble Minister has just now stated contradicting my report that he was not expelled from the Communist Party of India, but, on the other hand, I should like to say that even before the war came about, the Hon'ble Minister was expelled from the Communist Party.

Mr. SPEAKER: Order, order. You are contradicting again what he has said.

Sri JYOTI BASU: When I speak, you do not allow me to explain. I do not understand.

Mr. SPEAKER: It is no question of explanation. There cannot be a discussion like this.

Sri JYOTI BASU: If he can contradict my statement, why can't I contradict his statement. Otherwise it would mean that I am lying on the floor of the House. I stand by what I said. Even before the people's war, this gentleman was already expelled from the Communist Party of India. He ought to know it and he ought to own it up in this House.

Mr. SPEAKER: You had made that very charge against him and he denied that. There it stands. After all, we are not a court to adjudicate upon it.

Janab ABUL HASHEM: On a point of information. You were pleased to say that Mr. Niharendu Dutt-Mazumdar denied the charge levelled by our friend Mr. Jyoti Basu. So far as I understood him, he simply explained why he was expelled. In fact, he has not denied the charge.

Mr. SPEAKER: Then there is no dispute. Therefore, it does not require a discussion in this House.

I take it that the original motion moved by the Hon'ble Dr. Bidhan Chandra Roy that this Assembly takes into consideration the draft of the New Constitution of India as settled by the Drafting Committee appointed by the resolution of the Constituent Assembly, dated August 29, 1947, and recommends that the proceedings be forwarded to the President of the Constituent Assembly. I take it that that has been accepted by the House.

(There was no objection.)

I put the next motion of Janab Khuda Bukhsh.

(Sri Charu Chandra Bhandari rose to speak.)

Mr. SPEAKER: I am disposing of the motions one by one.

Janab ABUL HASHEM: May I make a suggestion in this respect. I have got experience of one very big session of the Assembly when the Bengal Tenancy Act was introduced. There were thousands and thousands of amendments and resolutions. The practice then followed was that all the resolutions were moved and then there was a discussion and then one by one these were put to vote.

Mr. SPEAKER: With regard to this I want to point out to you that it may be that one motion is lost or carried and it may have effect on other motions. So, I want to dispose of the motions one by one.

Mr. Bhandari, do you want to speak on that motion?

Sri CHARU CHANDRA BHANDARI: Yes, Sir.

Mr. SPEAKER: I have requested you at the start and I will request you again that there should not be a general discussion. If all the members want to speak on each motion, then it will require much time. Therefore, I would request you once more to limit the discussion to the bare minimum.

Sri CHARU CHANDRA BHANDARI: মাননীয় স্পীকার মহাশয়! এই প্রস্তাব নিয়ে যে সমস্ত কথার অবতারণা হয়েছে তা না হ'লেই ভাল ছিল। আমি এসব বিষয়ে কিছুই বলব না। মাত্র প্রস্তাবের বিষয়ীভূত যেসব কথা সেই কথাই বলব। জনাব খোন্দকার Preambleএ "Sovereign Democratic Republic"এর স্থানে "Union of Independent Republic" বসাতে চেয়েছেন এবং তিনি একথাও বলেছেন যে তাঁকে যেন ভুল না বোঝা হয়। আমি তাঁকে ভুল বুঝি নি। তিনি বোঝাতে চেয়েছেন এবং তাঁর কথা থেকে বোঝা গেছে যে এই খসড়া গঠনতন্ত্রের মধ্যে ক্ষমতা কেন্দ্রীয় গভর্ণমেণ্টের দিকে খুব বেশী দেওয়া আছে। এইটাই হচ্ছে তাঁর সব চেয়ে বড় কারণ যেজন্য তিনি Preambleএ Sovereign Democraticএর স্থানে "Union of Independent Republics" বসাতে চেয়েছেন। কিন্তু Centreএর দিকে বেশী ক্ষমতা গিয়েছে কি না গিয়েছে সে প্রশ্ন এখানে নয়। যদি তর্কানুরোধেই ধরে নেওয়া হয় যে Centreএ খুব বেশী ক্ষমতা দেওয়া হয়েছে তাহলেও তিনি যে প্রতীকারের প্রস্তাব করেছেন সে প্রতীকার তাতে কিছুই হবে না। কারণ যদি কোন রাষ্ট্রের বিভিন্ন খণ্ড independent হয় তাহ'লে সে রাষ্ট্র as a whole কি কোরে independent হয়? এটা বোঝবার জিনিস, এটা কেউ বোঝাতে পারে না। সমস্ত State কি কোরে independent হয় যদি তার component parts প্রত্যেকটা independent হয়? অবশ্য সেগুলি autonomous হ'তে পারে--কিন্তু সেটা আলাদা কথা। যদি সমস্ত component parts independent হয় তাহ'লে সেই State independent থাকে না। এইটাই মস্ত বড় আপত্তি তাঁর প্রস্তাবের বিষয়ে। এ জিনিস আদৌ গ্রাহ্য হ'তে পারে না। Sovereign Independent Republic এ ক্ষেত্রে অবস্থা বিশেষে বেশী কিছু থাকতে পারে, আবার অত্যন্ত কম ক্ষমতাও থাকতে পারে এবং তার যে unit সেও autonomous হ'য়ে যেতে পারে, কিন্তু এটা কখন হ'তে পারে না যে তার মত component parts সে সমস্ত independent হবে। জ্যোতি বসু মহাশয় বলেছেন যে voluntarily একটা unity আসা উচিত। কিন্তু দেখা যাচ্ছে ১৫ই আগষ্টের পর থেকে ভারতবর্ষে যে কার্যকলাপ চলছে তাতে জোর কোরে একটা unity আনা হচ্ছে। এ জিনিসটা তা নয়। মাত্র Preambleএ কি থাকবে তাই আমরা discuss করছি। ভারতবর্ষ--পাকিস্তান এবং ইণ্ডিয়ান ডমিনিয়ন--এই যে দুই ভাগে বিভক্ত হয়েছে এ কিছু জোর কোরে হয়নি। বরং একটা অংশকে তার ইচ্ছানুসারে তার সবে যাওয়া উচিত বলা হয়েছে। এর চেয়ে voluntarily self-determination দেওয়া হ'তে পারে না। তিনি এই প্রসঙ্গে Soviet Constitutionএর উদাহরণ দিয়েছেন। তার মধ্যে, আমি জানি, right to secede আছে। এ জিনিস যেমন আছে তেমনি অন্য দিকে কেন্দ্রে বেশী ক্ষমতা দেওয়া আছে। তাদের যে সমস্ত unit--যে সমস্ত Republics তাতে মাত্র শিক্ষা এবং স্বাস্থ্য এই রকম কতকগুলি বিষয় করবার অধিকার আছে, কিন্তু সমস্ত বিষয়ে খুব বেশী অধিকার নাই। অবশ্য right to secede আছে বোলে এই Union of Independent Republics হবে এটা সমর্থন করেন কি কোরে? সোভিয়েটের যে Constitution আছে তার Preambleএ আছে--Union of Soviet Social Republics সেখানে কিন্তু বলতে সাহস হয়নি--Union of Soviet Independent Republics Independent Republicএর কোন unit independent হ'তে পারে না। আর একটা মাত্র কথা বলব। সেটা এই যে বোধ হয় প্রস্তাবক মহাশয়ের একটা State বা রাষ্ট্রের nature ও construction এই দুইয়ের মধ্যে confusion হয়েছে। রাষ্ট্রের যে প্রকৃতি সেটা Preambleএর ভিতর বলতে হবে, কিন্তু রাষ্ট্রের যে গঠন সেটা sectionএ বলতে হবে। এই sectionএ (Article I এ) আছে--India shall be a Union of States. সেখানে তিনি বলতে পারতেন এটা union of republics হবে এবং component partsএর নাম republic হবে কি state হবে তাও বলতে পারতেন। কিন্তু যেখানে Preambleএর কথা সেখানে nature of the state বলতে হয়। এই nature of the state বলতে গিয়ে তিনি structure of the state বলেছেন। এই কারণে আমি তাঁর প্রস্তাবের বিরোধিতা করছি। আমার মনে হয় Sovereign Democratic Republic এটা খুব ভাল কথা এবং কেন্দ্রে বেশী ক্ষমতা যাবে কি কম যাবে এসব জিনিস তার মধ্যে হ'তে পারে না। কেবল এর মধ্যে right to secede দেওয়া যায়--এই কথা বোলে আমি তাঁর প্রস্তাবের বিরোধিতা করছি।

Janab ABUL HASHEM: Sir, may I be permitted to say a very few words on the motion?

Mr. SPEAKER: Yes.

Janab ABUL HASHEM: Janab Khuda Bukhsh's resolution simply proposes to take into cognizance of the diversity that prevails in the country and attempt to create unity out of that diversity. So far as I am aware of the history and culture of India, I am of opinion that the genius of India lies in its ability to create unity out of diversity. So, Sir, if this diversity be ignored, and on the ignorance of this any attempt be made to create unity, that unity will not be lasting. That is our apprehension, and just for that this resolution has been tabled.

Next, Sir, I am surprised, simply surprised to hear from my esteemed friend Mr. Bhandari that if the component units of a State or Union be independent, in that case that union cannot be independent. Now, Sir, we all know that today India is a part of the British Commonwealth of Nations and India like Australia, Ireland, etc., is a component unit of that great Empire known as the British Commonwealth of Nations. Now, Sir, if on the floor of this House we ever say that due to our association with Great Britain as a member of the Commonwealth of Nations we are not free, in that case we are laughed at and we are described as irreconcilable communalists; but if India can be free, independent, sovereign and everything remaining part of the British Commonwealth of Nations and, at the same time, the British Commonwealth of Nations remains independent I fail to understand how if the component parts of a State be independent the union cannot be independent itself.

With these words I support the resolution moved by my friend Janab Khuda Bukhsh.

(Janab Mudassir Hossain rose to speak.)

Mr. SPEAKER: Do you also want to speak?

Janab MUDASSIR HOSSAIN: Yes, Sir, because I am grateful to you for giving me latitude when I was discussing about the whole Draft Constitution therefore now I shall confine myself to this motion according to your advice.

Mr. Speaker, Sir, in my opinion this amendment is altogether inadmissible for the simple reason that there are no provisions for Independent Republics. If this amendment is accepted it will tantamount to the total rejection of the Draft Constitution. The mover of the resolution would have been more justified had he moved for the total rejection. This amendment cannot be moved unless a provision is made for constituting several Independent Republics, but there is no amendment to that effect. So this amendment should be rejected without delay.

The motion of Janab Md. Khuda Bukhsh that this Assembly is of opinion that in place of the words "Sovereign Democratic Republic" in the Preamble of the Draft Constitution of India the following words be substituted, viz., "Union of Independent Republics of India" was then put and lost.

Article 3.

Sri CHARU CHANDRA BHANDARI: Sir, I beg to move that this Assembly is of opinion that the Proviso to Article 3 be omitted.

Sri CHARU CHANDRA BHANDARI: এই প্রস্তাবের উদ্দেশ্য এই যে ভারতীয় ইউনিয়নের মধ্যে কোন State—সে Province হউক বা Union হউক তার নাম দেওয়া হয়েছে State. কোন Stateএর এক অঞ্চলকে নিয়ে যদি অন্য ষ্টেটের অন্তর্ভুক্ত করতে হয় কিম্বা এক ষ্টেট থেকে বা বিভিন্ন ষ্টেট থেকে অঞ্চল নিয়ে যদি একটা নূতন State বা Province গঠন করতে হয় কি উপায়ে করা যাবে তা এই ধারাতে আছে।

এই ধারাতে এটা আছে যে এই রকম অঞ্চল--এক প্রদেশের অঞ্চল নিয়ে অন্য প্রদেশের অন্তর্ভুক্ত করতে হলে বা কোন নূতন State বা প্রদেশ গঠন করতে হলে, সেটা একমাত্র ভারতীয় Parliament আইন করে করতে পারবেন। এবং সেই আইন প্রণয়নে কতকগুলি সর্ত্ত আছে। প্রথম সর্ত্ত হচ্ছে--সেটা Government of India ছাড়া অন্য কেহ সেই রকম আইনের খসড়া Parliamentএ পেশ করতে পারবে না। দ্বিতীয় সর্ত্ত হচ্ছে--যদিও গভর্ণমেণ্ট অফ্ ইণ্ডিয়া (Government of India) এটা পেশ করতে পারবেন তথাপি আরও দুটা সর্ত্ত প্রতিপালিত যতক্ষণ না হচ্ছে, ততক্ষণ সেটা পেশ করা যাবে না। তার প্রথম সর্ত্ত হচ্ছে এই যে--কোন অঞ্চল কোন প্রদেশ থেকে বা State থেকে নিয়ে অন্য প্রদেশ বা Stateর অন্তর্ভুক্ত করতে হলে, যে অঞ্চল নেওয়া হবে, সেই অঞ্চল যে State বা প্রদেশের অন্তর্ভুক্ত, সেই State বা প্রদেশের যে Legislature বা আইন-পরিষদ--সেই পরিষদে যেসব প্রতিনিধি থাকবেন, সেই প্রতিনিধিদের অধিকাংশ তার পক্ষে মত যতক্ষণ না দেন, ততক্ষণ এই আইনের খসড়া Government of India Parliamentএ পেশ করতে পারবে না। আর একটা সর্ত্ত আছে সেটা হচ্ছে, এই রকম অদল বদল দ্বারা যে Stateর উপর তার ভার পড়বে অর্থাৎ যে State affected হচ্ছে, সেই Stateর Legislature বা আইন-পরিষদে এই রকম কোন প্রস্তাব পাশ না হয় যে এই রকম কোন অঞ্চল, এক প্রদেশ থেকে নিয়ে অন্য প্রদেশের অন্তর্ভুক্ত করা হোক বা বিভিন্ন প্রদেশ থেকে নিয়ে নূতন একটা State গঠন করা হোক--যতক্ষণ না এই রকম প্রস্তাব পাশ হবে, ততক্ষণ এই রকম আইন প্রণয়নের প্রস্তাব করা যাবে না। এখন এটা স্থির বোঝা যায় না--এটা কোন State করবে--যে State থেকে কোন অঞ্চল যাবে, তারা করবে, না যে Stateএ আসবে তারা করবে বা উভয়ে করবে। Affected--এই কথাটা আছে মাত্র। এই সব সর্ত্ত মানতে হলে, এর পর এই গঠনতন্ত্রের কার্য্য আরম্ভ হওয়ার পর কোন রকম নূতন প্রদেশ গঠন করা বা এক প্রদেশের কোন অঞ্চল অন্য প্রদেশে সংযোগ করা সুদূরপরাহত হবে। কারণ এই যে সর্ত্ত---যে কোন প্রদেশের অধিকাংশ প্রতিনিধির মত পাওয়া চাই—এটা সব সময় সম্ভবপর হবে না। দ্বিতীয়তঃ যে প্রদেশ থেকে আসবে কোন অঞ্চল কেটে--তারা যে কোন দিন ভালভাবে এতে মত দেবে, সেটা আশা করা যায় না।--(Sj. JYOTI BASU—এত অবিশ্বাস কেন?)—অবিশ্বাসের কোন প্রশ্ন এখানে আসছে না। সন্দেহ নিরসন করে বিধি সহজ করার কথাই এখানে বলা হচ্ছে। আমরা দেখি যে Government of India Actএ এই রকম একটা বিধান আছে-- Government of India Actএর ২৯০ ধারা--তাতে আছে His Majesty in Council এই রকম অবস্থার পরিবর্ত্তন করতে পারবেন, কিন্তু His Majesty-in-Councilএর স্থানে আমাদের এখানে এই কাজ বোধ হয় করবেন, আমরা যাকে প্রেসিডেণ্ট করব তিনি কিন্তু প্রেসিডেণ্টের উপর ক্ষমতা না দিয়ে Parliament বা আইন-সভার উপর ক্ষমতা দেওয়া হয়েছে। কারণ আমাদের Head of the State--যিনি আমাদের কেবল মাত্র Constitutional Head—তার উপর এমন গুরুতর ক্ষমতা দেওয়া হয় নি এবং তা দেওয়া সমীচীনও নয়--আমার বিশ্বাস। বিরোধী ব্যাপারে প্রেসিডেণ্টকে টেনে আনা ঠিক হবে না। সেইজন্য একমাত্র alternative থাকে--Parliamentএর উপর ক্ষমতা দেওয়া। এই Parliamentএর উপর ক্ষমতা থাকবে এ ছাড়া আর কোন উপায় নেই। কিন্তু ক্ষমতা প্রয়োগে এত সর্ত্ত আরোপ করলে এক প্রদেশের কোন অঞ্চল অন্য প্রদেশে যাবে, এটা কখনও সম্ভবপর হবে না। এইজন্য আমি প্রস্তাব করেছি এই যে proviso বা সর্ত্ত আছে, সেই সব উঠিয়ে নেওয়া হোক। এবং Parliamentই আইন দ্বারা এক অঞ্চলকে অন্য প্রদেশের অন্তর্ভুক্ত করতে পারবে এবং বিভিন্ন অঞ্চল নিয়ে একটা নূতন প্রদেশ গঠন করতে পারবে এবং তার নাম পরিবর্ত্তন বা সীমানা পরিবর্ত্তন করতে পারবেন। এবং এই জিনিষ যদি না হয় তাহলে,--আমি আগে যা বলেছি--এর পর এই রকম কোন পরিবর্ত্তন করা অসম্ভব হয়ে দাঁড়াবে। এই সম্পর্কে পশ্চিম বাংলার স্বার্থ বিশেষভাবে সংশ্লিষ্ট। কারণ পশ্চিম বাংলার দাবী এই যে বাংলা ভাষাভাষী অঞ্চল যে সব প্রদেশ আছে, সেগুলি এখানে ফিরে আসা দরকার, কারণ তারা পশ্চিম বাংলার অন্তর্ভুক্ত এক দিন ছিল। কিন্তু যদি এই গঠন-তন্ত্র চালু হওয়ার পূর্ব্বে এটা না আসে, এবং এই ধারাকে আমার প্রস্তাব মত পরিবর্ত্তন না করা যায়, তাহলে সেটা কখনও সম্ভবপর হবে বলে আমার মনে হয় না।--(A VOICE--এটা প্রাদেশিকতার কথা হচ্ছে না কি?) এতে প্রাদেশিকতার কথা কিছু নেই। পশ্চিম বাংলার আইন-পরিষদ থেকে প্রস্তাব করে বলা হচ্ছে--পশ্চিম বাংলা যা চাচ্ছে--ভারত Parliamentএর উপরই তার সমস্ত ভার ন্যস্ত করা হোক এবং চূড়ান্ত ক্ষমতা দেওয়া হোক। এর মধ্যে প্রাদেশিকতা কোথায়? বরং Parliamentএর ঐ ক্ষমতা প্রয়োগে নানারূপ সর্ত্ত থাকলে প্রাদেশিকতা বৃদ্ধি পাবে। কোন এক Stateএর, opinion থাকা দরকার, এইরূপ সর্ত্ত থাকলে সেটা একদেশদর্শী হবে কিন্তু Parliamentএর উপর সমস্ত ক্ষমতা থাকলে প্রাদেশিকতার ভয় থাকবে না। এবং সেটাই প্রকৃত গণতন্ত্রসম্মত হবে। এবং এই জিনিষটা হওয়া একান্ত দরকার কারণ পশ্চিম বাংলার স্বার্থ এর সঙ্গে বিশেষ ভাবে জড়িত।

এই কটি কথা বলে আমি অনুরোধ করব, আমার এই প্রস্তাব যেন বিনা বাধায় ও সর্ব্বসম্মতিক্রমে গৃহীত হয়।

Sri JYOTI BASU: Mr. Speaker, Sir, it seems to me that in moving this resolution Sri Charu Chandra Bhandari and other Congress members who are evidently supporting this resolution which is before us have been moved by fear and suspicion that the Congress leaders and Governments in other provinces will not do justice to the claims of West Bengal; because, as has been pointed out by the mover, West Bengal would be adversely affected in this matter of territories because we know that the Bengal Ministers have been very vocal with regard to the claim on Bihar. But unfortunately somehow or other the all-India Congress leaders are at the moment supporting not the Congress leaders in West Bengal but the Congress leaders of Bihar with the result that our Ministers have been times without number snubbed with regard to this claim. That is why I think that there would be common agreement because of this suspicion and fear amongst all sections of Congressmen that this vague language should go and something more concrete in its place put in or to get rid of the proviso so that Parliament would be left free to raise this question of delimiting the frontiers. But I do not see how this will solve the problem, because in Parliament also the Bihar Congress leaders and other leaders may not accept the just claims of West Bengal. All of a sudden they would not be transformed and will not support this move. So I am sure this question does not arise. If they are opposing now West Bengal's claim then in Parliament also they are going to oppose West Bengal's just claims, because by now it should have been clear to the Congress leaders in Bengal and elsewhere who would be affected by this particular proviso, that the all-India Congress leaders are not moved in this matter by any question of justice or fairplay or the scientific delimitation of frontiers. In fact, we have seen that on the question of language in schools and the examples which come to my mind are Assam and Bihar that a war has been declared by some of the Congress leaders there on the Bengali language, culture, schools and so on. Therefore it seems to me that if it is impossible to persuade the other leaders elsewhere that these just claims ought to be recognised by them then whether it is done in Parliament or elsewhere, well, we shall not benefit by that at all. It would mean that one section would be pitted against the other which would be rather unfortunate for our country, as is happening now in a different way in all the provinces which are affected by this. We know that when the Congress leaders here also are putting forward this claim for lands in Bihar they are reminded of only recent history of what has happened in the case of Seraikela and Kherswan. They know that justice has not been done in the case of those two places by the all-India Congress leaders. Whatever suits the all-India capitalist leaders who are behind the Congress leadership in Delhi and who have, as I said, no provinces or no country within India for these people whatever benefits them, their industries, their business, their concerns, that would be done by them and the claims of the different provinces will not be looked into. In the different provinces too we see that this claim is not sometimes put forward in a just way. Just claims are sometimes made in such a way that it seems to me that our Congress leaders here wish to divert the attention of the people for their own ends. That is to say, we know, in Bengal the working class is mainly composed of Bengalees and workers from Bihar. Now by raising this claim we see there is a sort of antagonism roused amongst the working classes from Bihar and the Bengalee workers. The Bengalee workers, the refugees and the unemployed are told that because West Bengal has not got more land, that is why we cannot solve your problem. If we had more land from Bihar and elsewhere, then all your ills would be solved. Sir, this is to divert the attention of the people because we know that we may get lands from Bihar and Assam but the problems will not be solved by merely getting land, because no problem can be solved inside the present West Bengal frontier. All the same it is a just claim and this just claim, we thought, would be recognised by the Congress leaders. How is it, Sir, that the answer is not given by

the members sitting opposite as to why they are suspicious of their ow friends across the border? That answer should be given instead of raisin the bogey that others are creating confusion and chaos in the country. I seems to me that some of the Congress leaders are creating confusion an chaos. They could have done this in a peaceful manner sitting across th table: it would not have taken even two weeks. It seems to me that som people in the Congress are out to create confusion and chaos, and that i why these things are done. Of course I hope this resolution will surely b passed, but it will not solve the problem.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Mr SPEAKER: Order, order. I shall now put the motion of Sr Charu Chandra Bhandari.

The motion of Sri Charu Chandra Bhandari that this Assembly is o opinion that the Proviso to Article 3 be omitted, was then put and agreed to

Article 5.

Sri DHIRENDRA NARAYAN MUKHERJEE: Sir, I beg to move that this Assembly is of opinion that in Article 5, sub-clauses (*i*) and (*ii*) after the "Explanation" appended to clause (*b*) be omitted, and in their places the following be inserted:—

"A person may acquire his domicile contemplated in clause (*b*) above if—

(*i*) he has a fixed habitation in the territory of India as defined in the Constitution, or

(*ii*) he has made and deposited in some office or with some officer in the territory of India as defined in the Constitution appointed in this behalf by the Provincial Government a declaration in writing under his hand of his desire to acquire such a domicile provided that he has been a resident of the territory of India for at least one month before the date of declaration."

Sri CHARU CHANDRA BHANDARI: মাননীয় স্পীকার মহাশয়--এই প্রস্তাব যে কেন আনা হয়েছে এটা একটুখানি ভাল করে বোঝা দরকার। সিটিজেনশিপ সম্পর্কিত যে সমস্ত বিধান আছে এটা সাধারণতঃ কোন গঠনতন্ত্রের মধ্যে থাকে না। এটা সাধারণতঃ সেই দেশের পার্লামেণ্ট থেকে আইন প্রণয়ন করে সিটিজেনশিপ সম্পর্কে আইন করা হয়। কিন্তু আমাদের এই খসড়া গঠনতন্ত্রে সে রকম বিধান আছে। ছয় ধারাতে আছে যে পার্লামেণ্ট সিটিজেনশিপ সম্পর্কিত সমস্ত আইন করবে। কিন্তু সিটিজেনশিপ সম্পর্কে কিছু বিশেষ আইন করবার দরকার হয়েছে এবং সে ব্যবস্থা আছে। তার কারণ হচ্ছে যে এই যে অবস্থাক্রমে আমাদের ভারত ডোমিনিয়ন সৃষ্টি হয়েছে এবং ভারতীয় ইউনিয়ন সৃষ্টি হচ্ছে, যে অবস্থাক্রমে এই দেশ দ্বিধাবিভক্ত হয়ে এবং দুটো প্রদেশ দ্বিধাবিভক্ত হয়ে দুটো রাষ্ট্র গঠিত হচ্ছে, সেই অবস্থার দিকে লক্ষ্য রেখে এই সিটিজেনশিপ সম্পর্কে বিধান করতে হয়েছে এবং এই বিধান মাত্র ভারতীয় রাষ্ট্রের মধ্যে--পূর্বে আমাদের যে Combined India সেই ইণ্ডিয়ার মধ্যে যে বাসিন্দা বাসর, বার্মা এবং সিংহলে যারা জন্মেছেন তাদের সম্পর্কেও প্রযুক্ত হবে। এবং এইটুকু না করলে যাঁরা ভারতীয় ইউনিয়নে এসে বসবাস করেছেন বা করছেন তাঁরা রিফিউজি স্বরূপেই হোক বা অবস্থার চাপে বাধ্য হয়েই হোক যেমন করে হচ্ছে তাদের সম্পর্কে সিটিজেনশিপ আইন সাধারণতঃ যেভাবে হয় তার চেয়ে সোজা আইন না করলে এ জিনিষটা আদৌ সমীচীন হবে না। সেজন্য এই আইন করা হয়েছে। Article 5এ সে বিধান করা হয়েছে। কিন্তু সেই বিধানের মধ্যে যা আছে, যেটাতে আমাদের explanation এক আইটেমে যেটা আছে তাতে বিধান আছে যে, Indian Succession Act Part IIতে যে বিধান আছে সেই অনুসারে সিটিজেনশিপ হবে—যারা ভারতবর্ষে জন্মগ্রহণ করেছেন কিংবা তাঁদের পিতা বা পিতামহের মধ্যে একজন জন্মগ্রহণ করেছেন, তাঁদের সম্পর্কে এই বিধান খাটবে। এই বিধান যদি আমরা রাখি তাহ'লে Indian Succession Actএর বিধান অনুসারে তাদের সেখানে এক বৎসর বাস করতে হয়, একটা declaration

ও দিতে হয়। এছাড়া Indian Succession Actএর ১০ ধারাতে আছে তাদের একটা fixed habitation থাকবে। Indian Succession Act Part IIতে যে বিধান আছে, সেই অনুসারে এ জিনিষের ফল অত্যন্ত জটিল হয়ে দাঁড়াবে। যাঁরা নানাস্থান থেকে ভারতবর্ষে আসবেন বা আসছেন বা এসেছেন তাঁরা যাতে তাড়াতাড়ি এবং সোজা উপায়ে নাগরিক অধিকার পেতে পারেন সেজন্য এই explanation I কে পরিবর্তন করে এইমাত্র করেছি "If he has a fixed habitation in the territory of India as defined in the Constitution" তার মাত্র একটা স্থায়ী আবাসভূমি থাকবে এখানে এবং যে লোক ভারত ইউনিয়নের বাইরে থেকে আসবে অর্থাৎ আমাদের আগেকার যে ভারতবর্ষ—ধরুন—পূর্ববঙ্গ বা পাকিস্থান বা অন্যত্র থেকে এখানে যারা আসবে, যদি তাদের মাত্র এখানে একটা স্থির আবাসভূমি থাকে, তাহলে তারা ভারতীয় ইউনিয়নের নাগরিক অধিকার পাবে। কিন্তু এর চেয়ে আরও সোজা করা হয়েছে, এমনও হতে পারে—যারা একমাস, দু-মাস এসেছে তাদের কোন fixed habitation নাই, যারা ভারত বিভাগের ফলে অবস্থার চাপে চলে এসেছে, তাদের জন্য আরও সোজা উপায় করা উচিৎ যাতে তারা এই নাগরিক অধিকার পেতে পারে। সেটা দুটো আইটেমে বলা হয়েছে এই দু আইটেমের একটু পরিবর্তন করা হয়েছে। এক্ষেত্রে এইটুকু করা হয়েছে যে কোন কেউ এসে সে যদি একমাস এখানে বাস করে, এসে যদি কোন অফিসের অফিসারের কাছে এখানকার স্থায়ী অধিবাসী হতে চান এইটুকু লিখে ঘোষণা করেন এবং ঘোষণা করে কোন অফিসে দেন বা কোন অফিসারের হাতে যদি দেন, কে যে সেই অফিসার হবে তাও ঠিক করা হচ্ছে না, সে Provincial Government স্বাধীনক্ষেত্রে মনে করবেন যে উপযোগী হবে এমন অফিসারের কাছে যদি দেন তাহলে তিনি নাগরিক হবেন; কবে? না, এই গঠণতন্ত্র চালু হবার পূর্ব পর্যান্ত এবং তার পূর্বে মাত্র একমাস বাস করা চাই। কোন অফিস—কেন্দ্রীয় গভর্ণমেণ্টের নয়--যে ষ্টেটের গভর্ণমেণ্ট--যে প্রদেশের গভর্ণমেণ্ট সেই গভর্ণমেণ্ট স্থির করে দেবেন গভর্ণমেণ্টের একটা অফিস যদি অসুবিধা হয়, গভর্ণমেণ্ট সুবিধাজনক বুঝলে অফিসারও নির্দিষ্ট করে দিতে পারেন। তাঁর কাছে লিখিতভাবে ঘোষণাপত্র এই মর্মে দিতে হবে যে তিনি এখানকার domiciled acquire করতে চান, তাহলেই হবে। ভোটার তালিকা করবার সময় যারা enumerator—যাদের গভর্ণমেণ্ট সুবিধাজনক মনে করলে নিযুক্ত করতে পারেন--তাদের কাছে লিখিতভাবে ঘোষণা সেই আগন্তুক দিয়ে দেন, তাহলেই হবে। এই প্রসঙ্গে আর একটা কথা উল্লেখ করা দরকার—এই রকম বলা হয়ে থাকে যে নাগরিক অধিকার এক, আর ভোট দেওয়ার ক্ষমতা অন্য। এ সত্য কথা। কোন প্রদেশের ও ভারত ইউনিয়নের নাগরিক হয়ে অন্য প্রদেশে গিয়ে ভোট দেবার অধিকার একদিনেই সে পেতে পারে না। এটা ঠিক কথা। এজন্য ছ'মাস অন্ততঃ তার বাস করা চাই--এই বিধান করা হয়েছে। যাদের সম্পর্কে নাগরিকত্ব লাভ করবার এই বিধান করছি তারা অতি সহজে নাগরিকত্ব লাভ করতে পারবেন--একমাস মাত্র এখানে বাস করে--কোন fixed habitation না থাকলেও। সে এখানে থাকতে চায় স্থায়ীভাবে--এইমাত্র ঘোষণা করে সে নাগরিক অধিকার পাবে। সাধারণ যে নিয়ম আছে ভোটার হবার আমার মনে হয়, সে নিয়ম নাগরিকের পক্ষে অত্যন্ত সহজ করা উচিৎ। সেই ছ'মাসের যে আইন আছে তাহা অপেক্ষা বেশী থাকা উচিৎ নয়। এই সব ক্ষেত্রে যারা নাগরিক হবে মাত্র সে ক্ষেত্রে নাগরিক হয়ে সে ভোট দেবার অধিকার পাবে, এই বিধান করা উচিৎ। ধীরেন বাবুর প্রস্তাব যাতে গৃহীত হয় তারজন্য আমি অনুরোধ করছি।

The motion of Sri Dhirendra Narayan Mukherjee that—

This Assembly is of opinion that in Article 5, sub-clauses (i) and (ii) after the "Explanation" appended to clause (*b*) be omitted, and in their places the following be inserted:—

"A person may acquire his domicile contemplated in clause (*b*) above if—

(*i*) he has a fixed habitation in the territory of India as defined in the Constitution, or

(*ii*) he has made and deposited in some office or with some officer in the territory of India as defined in the Constitution appointed in this behalf by the Provincial Government a declaration in writing under his hand of his desire to acquire such a domicile provided that he has been a resident of the territory of India for at least one month before the date of declaration,"

was then put and agreed to.

Article 35.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I beg to move tha this Assembly is of opinion that Article 35 in Part IV (Directive Principle of State Policy) in the Draft Constitution of India be suitably amended s as to guarantee the Personal Law of the Muslims.

Sir, this point has been dealt with quite exhaustively by myself durin my speech on the general discussion as also by other speakers. Sir, no only this side of the House but also members opposite have had occasion t speak on it and they have in spirit supported my resolution. Sir, I hav to submit that my personal law is bound up with my religion. My persona law has been prescribed by no other authority than the Holy Koran. Si we are governed in vital matters relating to our day to day existence b our personal law. In the name of introducing uniformity in personal lav I think the Constitution should not be permitted to make inroads on ou religion, specially when our religion, our rights to practise, profess an propagate religion has been guaranteed in section 19(*1*).

Sir, I am an Indian and India is my homeland. For India I shall b prepared to make the supreme sacrifice. Again I do not know if I am digressing, but yesterday an Hon'ble Minister suggested motives ulterior motives, unworthy motives, when I pressed for the preservation o my personal law. I can say this to him through you, Sir, that I a least have decided to stay back in my own motherland, in my ow country to protect my kith and kin, to teach them a reorientation of ou politics that has taken place consequent on the partition of our country Sir, I have not taken any shelter, an asylum in any foreign State, neithe have I gone to a foreign State to seek asylum or fruits o office. Yesterday a kind of language was used referring to m particularly when I had occasion to ask this House to vote for the preserva tion of my personal law that we were doing it with a motive which was no worthy of an Indian—to put it very mildly. But, Sir, I shall say that usin harsh language is not in keeping with the tradition of any Parliament o any nation and I shall not emulate my worthy friend, but I will say thi with all the emphasis that I can command that I refuse to be bullie specially by persons whom I consider to be refugees from East Benga whose only way of clinging to power is to raise the spectre and the boge of disunion and distrust in this land of ours.

I think, Sir, that there are other members who will doubtless like t express their opinion on this vital question and as you suggested that w should not take more time than is absolutely necessary I should only sa this as a Muslim, to guarantee my religious rights as a Muslim I sha demand that my personal law be not interfered with in the name c introducing uniformity in civil laws.

Janab MUSHARRUFF HOSSAIN: Mr. Speaker, Sir, I was abser when my friend Janab Khuda Bukhsh spoke on this motion. I do no know, Sir, which Minister has said that observance of personal law c personal right of a community is a wrongful act against the State. I that has really been said—as I understand it from Janab Khuda Bukhsh—the Minister was not right in expressing an opinion like that. We ar unanimous on this point. Sir, I know that when Rai Harendra Nat Chaudhuri, the Education Minister, spoke the other day he also said tha personal laws of the different communities should not be interfered wit in any Code—call it Civil or by anything you like in future. I have not s far taken part in the debate thinking that it will be useless to do so. Bu when such an important matter has been considered to be a controversi matter, I want to say to the members present that I cannot agree with th Minister who spoke on Government's behalf and I agree with my frien Rai Harendra Nath Chaudhuri that all personal laws of all communitie should be protected.

Sri BIMAL COMAR GHOSE: Mr. Speaker, Sir, I am afraid I cannot support Janab Khuda Bukhsh's amendment and primarily on two grounds. First, the amendment that he has proposed is to Article 35 of the Constitution which comes under Chapter IV, Directive Principle of State Policy. What Mr. Khuda Bukhsh has in mind will not be served by this amendment for this reason that if he will look up Article 29 he will find it stated that the provisions contained in this Part shall not be enforceable by any court. There can be no question by moving an amendment to Article 35 of guaranteeing the personal laws that he would like to be guaranteed. But, Secondly, even apart from that on the question of whether it would be desirable to have a provision in the appropriate place guaranteeing these personal laws, I feel, Sir, that even on that point I could not support Janab Khuda Bukhsh. He had stated that these laws are primarily bound up with the practice and propagation of religion, and he also admitted that that was guaranteed by Article 19(*1*). There may, however, be rituals which we may regard as accretions over a period of time which may not really be essential for religion and which it may not be desirable to guarantee in the Constitution as a fundamental right. Even with regard to the practice and propagation of religion if you would look to Article 19(*1*), you will find that that is allowed subject to public order, morality and health. So we cannot allow any unfettered enjoyment of even personal laws if that would go against public order, morality and health. In connection with certain personal laws of the Hindus, we have been agitating for a change, and I do not think that it would be desirable that we should have such a provision in the Constitution which would make it difficult to change them except by an amendment of the Constitution. They are not in the nature of fundamental laws What have to be guaranteed have been guaranteed under the fundamental laws, and I think that that should be sufficient.

Janab SYED BADRUDDUJA: Sir, I rise to support the resolution moved by my honourable friend Janab Khuda Bukhsh. I would not have intervened in the debate but for the most uncalled for observations of my honourable friend Mr Bimal Comar Ghose He said that personal laws might be amended suitably when necessary. He is further apprehensive that by attempting to retain our personal laws we might be interfering with law and order in the country All that I want to impress upon this House is that Mr. Bimal Comar Ghose has lost sight of the fact that our personal laws which are bound up with my religion are derived from an authority which cannot be questioned by any court of law, tribunal or Parliament. We consider the laws of Islam as immutable, as unchangeable, as constitutional as the laws of gravity and conservation of energy. As a matter of fact, laws of inheritance, marriage, divorce and other things have never been interfered with by any system of jurisprudence or any court of Justice that has been introduced in this country during the last 150 years. It may be that my Hindu friends might feel called upon to introduce certain changes in their personal laws, but we do not feel so-called upon to introduce such changes and modifications in our personal laws which have resisted encroachment and stood the test of time for centuries and which are compatible with the ordered progress of society and consistent with the growth and evolution of human culture in all its significance and bearings. The fundamental laws of Islam are also unchanging and unchangeable throughout all the Muslim countries. In Turkey, in Persia, in Afghanistan, in India, all over the world the same principles govern Muslim relationships, so far as marriage, divorce and other things are concerned. No system of Government, no administration, no authority has the right to encroach on this sacred and inviolable right. Any attempt to do that would be nothing short of vandalism which will be resisted and resented by all possible means at our disposal.

With these words I support the resolution that has been moved by my honourable friend.

Sri JYOTI BASU: May I speak, Sir?

Mr. SPEAKER: Yes.

Sri JYOTI BASU: It seems to me as far as the guaranteeing of the personal laws of either the Hindus or the Muslims is concerned that in this Draft Constitution it has been generally provided that religion and religious practices should not be interfered with, and everybody would be free to propagate and carry on his religious practice as he wishes. But all the same as this important point has been raised, looking at the directives which are there that a universal civil court will be established for all the citizens of India in the secular State, it seems to me—of course I do not know the mind of the framers of the Draft Constitution—that if the framers of the Constitution have made up their minds or the Indian Government has made up its mind that it shall try within a very short time to frame such a code for the citizens of India, it would certainly be a wrong thing —a thing which will not be accepted by many Hindus, Muslims and others as well. Therefore, as far as Fundamental Rights connected with religion are concerned, I think, as has been the practice in other progressive countries as well, the major thing to do is to take the verdict of the people before venturing on any such codes which will bring turmoil again into India and I think that in order to satisfy the people that such a thing was not in the contemplation of the framers of the Constitution without taking the verdict of the people, both the Hindus and the Muslims should have been assured in the Directives. Therefore these doubts are being roused, fears are being expressed and I think Sri Bimal Kumar Ghose was wrong when he referred to these Rights which are at the moment conceded, which were taken by a majority of the Muslims as part of their religion to just call them rituals and things like that. In the Fundamental Rights it has been so provided relating to religion by the Explanation in section 19(1) namely "The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion". Now, so far as the Sikh religion is concerned it is a good thing that this Explanation is there. Some such explanation should have been there as far as the other communities are concerned. I think everybody would be agreed with regard to that. Whatever may be our personal opinion and the opinion of different parties—I think it is incorrect to say that in Turkey as the previous speaker tried to make out all these personal laws of the Muslims have been preserved in the Turkish Constitution; as far as I am aware I think that all these laws are not preserved and some sort of a civil code has been established here as well, but that is a different matter because there when they passed through a tremendous upheaval and revolution it was in the fire of that that the people accepted that things should be changed even as far as certain religious practices went and there was advancement in that country. Of course without entering into any controversy I would like to claim the freedom to carry on my propaganda amongst the Muslims I would certainly do the propaganda that there must be some sort of a civil code, a universal civil code of all the peoples of India whatever religion they profess or practise and unless and until I can convince them there would be no question of altering the existing state of affairs through force alone and asking the communities to accept such a thing. So in conclusion I would say that if the fear is there that these personal laws would be interfered with then the Constituent Assembly should be told about these fears so that, when they finally accept the Draft Constitution, this explanation would be there so that nobody is afraid that anything would be done against the verdict of the people.

Janab ABDUR RAHMAN SIDDIQI: Sir, I shall not detain the House for more than a minute. In modern jurisprudence we have learnt two words: that laws are either mandatory or directory. The Muslim would be prepared to consider an amendment of what I have described as directory injunctions. But so far as the mandatory part of the Quranic law is

concerned it is not possible for us to make any compromise. That being so and the other parts of the Constitution having granted the various communities the right to be governed by their own social and religious systems, I feel that if the attention of the framers of the Constitution is drawn to this point they will agree to give us this right which is essential for our very existence.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, it is unfortunate that in connection with clause 35 where under the heading of "Directive Principles of the State" some forecast has been made as to what principles as directives shall regulate the law-making activities of the State exception has been taken. There it is provided that the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. Sir, in connection with the question of a uniform civil code throughout the territory of India, I do consider it unfortunate that the question of personal laws of a particular community should be raised. So far as the civil rights of the citizens throughout India irrespective of caste, creed or religion are concerned, there must be gradually evolved a body of laws defining both their rights and obligations in respect of their character as citizens and defining those rights and obligations in the form of a civil code. I do not see, Sir, any reason for apprehension that there is any sinister design behind this clause to invade upon the personal laws in a discriminatory manner against any particular community. I think, Sir, it is unnecessarily raising a false alarm, because it is known that personal laws if it is the law of succession, law of inheritance, law relating to the personal relationship *inter se* among members of a particular community, there are infinite varieties of personal laws prevailing in this land. Yet Sir, there must be nevertheless, just as there is a uniform code of civil procedure so far as the adjectival laws of the land are concerned, a single code governs the entire procedure of laws, a uniform civil code also defining the substantive laws of the land. Gradually in respect of civil rights and obligations a substantive body of laws as the civil codes must also endeavour to define in the same way rights and obligations. I think the very framing of this clause shows that no invasion on the particular interests or rights or personal laws of any particular community is meant. I do not think that any honourable member will deny the necessity of our gradually, wherever possible, going on for some sort of a uniformity in respect of civil rights and obligations by which irrespective of communal allegiance we may stand as common citizens. Now, the sphere of such laws is to be strictly limited. The sphere is to be determined not by the representatives of any one particular community but by all representatives of India representing all different castes, creeds and religions. Therefore, Sir, I think it is inconceivable that where the Constitution has fundamentally guaranteed the observance of religious rites and practices, harm to any community to follow. I understood, it was claimed by some that certain laws are a part and parcel of their religious laws. In so far as such laws are not in conflict with public policy, morality or decency the Constitution guarantees their rights. I do not think there is any cause for raising a false alarm on the score of personal laws specially where there is the expression of an intention that the State shall endeavour to secure so far as possible this uniform civil code throughout the territories of India.

I have said, Sir, at the outset that this is an unfortunate confusion because there was no need for this being brought up at all in this connection. After all, we know that in this Constitution an emphasis has been laid on uniformity and unity. Therefore the unity of laws has to be secured, but by one sweeping decree the Constitution does not provide that all personal laws should cease to exist but it gives a directive to the State that there shall be an endeavour to evolve a uniform civil code. What is wrong there? The directive about endeavour will be used, I have no doubt in my mind, in the most balanced manner with the best of judgment and in the best

interests of all citizens, and I am sure that nothing will be done in respect of any personal laws without the consent of the representatives of those who will be involved. There is no reason for us to believe that the Parliament of India will be a mad house where representatives of any category will try to ride roughshod over the personal laws of others. I am sure that the Constitutent Assembly in drafting this did realise the delicate points herein involved. With a bit of suspicion it is thought that perhaps some invasion is meant on a particular set of rights, but at the same time only to disarm suspicion the State cannot agree not to lay down that there must be an endeavour to secure unity in evolving a unified civil code. This does not necessarily come into conflict with the personal laws of anyone. I think it is quite possible to draw a line——

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I think, Sir, this sort of interruption is not permissible.

What I have been pointing out is that it is unfortunate that my friends have chosen to lay a wrong emphasis in connection with Article 35 in order to abrogate the idea of the State to endeavour gradually to evolve with the consent of the representatives of the people of India a unified civil code. I therefore support that the clause should remain as it is and I oppose, as I have stated, the amendment which has been moved by my honourable friend which is altogether based on a misconception and therefore raises a false alarm.

Shaik MOHAMAD RAFIQUE: Mr. Speaker, Sir, we have listened to the Hon'ble Minister who has purposely tried to ignore the letter of Dr. B. R. Ambedkar, the President of Drafting Committee of the Constitution of India. I therefore submit that the interpretation of my friend is vitiated and I am afraid he is entirely wrong. If he will look into paragraph 14(*b*) of Dr. Ambedkar's forwarding letter he will find that the Committee has considered it desirable to put into the concurrent list the whole subject of succession instead of only succession to property other than agricultural land. Similarly, the Committee has put into the concurrent list all the matters in respect of which parties are now governed by their personal laws. I submit there is ambiguity about it. 14(*b*) of the forwarding letter reads as follows:—"The Committee has considered it desirable to put into the concurrent list the whole subject to succession instead of only succession to property other than agricultural land. Similarly the Committee has put into the concurrent list all the matters in respect of which parties are now governed by their personal law. This will facilitate the enactment of a uniform law for India in these matters." As a matter of fact we want that Article 35 should be made clear and should not contain the phraseology which is ambiguous. It is our intention that the framers of the Constitution and others who will be responsible for the final passing of the Constitution should make it clear that the personal laws of the Muslims may not be in any way interfered with. If the Hon'ble Minister had only taken the trouble to read that letter which he was expected to read, though of course he had taken the trouble to read the Draft Constitution, he would not have thus exposed himself to ridicule today as he has done without first going through that draft letter. This is a very vital and important question so far as we the Muslims are concerned. It is a question of life and death to us and I hope this motion of ours will be conveyed to the President of the Constituent Assembly. I also hope that these Commandatory and Recommendatory personal laws of Muslims will be kept in mind, as indicated by my friend Mr. Abdur Rahman Siddiqi, when the Act is being passed.

Janab HUSAN ARA BEGUM: Mr. Speaker, Sir, I was surprised to see the change of attitude that has been evinced by some of the members with regard to the personal laws of the Muslims which we regard as most dear and near to us. As the draft is before the House, I submit we the

members of the Muslim community are not making any confusion, but asserting what we consider to be and what has been our right, our religious right. Every person professing a religion has the right to ask for protection of his cherished religious rights from the Government under whom he lives and works. So with due respect to the Hon'ble Minister I should say that we are not encroaching upon the Constitution of India, but we are simply placing before your honoured self our humble submission that the opinion of the Muslims on this matter should be given due consideration, as we have enjoyed the Muhammadan law even during the British regime. We hope the same laws as have existed in India for years past should be extended to us in future also.

The motion of Janab Md. Khuda Bukhsh that this Assembly is of opinion that Article 35 in Part IV (Directive Principles of State Policy) in the Draft Constitution of India be suitably amended so as to guarantee the Personal Law of the Muslims, was then put and a division taken with the following result:—

AYES—18.

Abdul Wahid Sarkar, Janab.
Abdullah, S. M., Janab.
Abdur Rahman, Janab A. F. M.
Abdur Rahman Siddiqi, Janab.
Abul Hashem, Janab.
Badrudduja, Syed, Janab.
Husan Ara Begum, Janab.
Kazem Ali Mirza, Shahibzada Kawan Jah Saiyid, Janab.
Khuda Bukhsh, Janab Md.
Mahammad Sayeed Mia, Janab.
Mohamad Rafique, Shaik, J.P.
Molla Mohammad Abdul Halim, Janab.
Mudassir Hossain, Janab.
Muhammad Idris, Janab.
Muhammad Qumruddin, Janab.
Muhammad Siddique, Dr. Syed.
Musharruff Hossain, Janab.
Shamsul Huq, Janab.

NOES—37.

Bandyopadhaya, Sri Pramatha Nath.
Banerjee, Sri Susil Kumar.
Barman, The Hon'ble Sri Mohini Mohan.
Barman, Sri Syama Prasad.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Choudhury, Sri Annada Prosad.
Chowdhuri, Sri Rai Harendra Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Gayen, Sri Arabinda.
Ghose, Sri Bimal Comar.
Ghosh, Dr. P. C.
Gupta, Sri J. C.
Haidar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Pramanik, Sri Rajani Kanta.
Roy, Sri Jajneswar.
Roy, The Hon'ble Sri Kiran Sankar.
Sarkar, The Hon'ble Sri Nalini Ranjan.
Sinha, The Hon'ble Sri Bimal Chandra.

The Ayes being 18 and the Noes 37, the motion was lost.

Articles 43 and 44.

Mr. SPEAKER: Mr. Badrudduja, in this connection I wish to draw your attention to your first amendment that in Article 43, the letters "a" and "b" and the brackets be omitted. This is merely a drafting alteration. That may be done by the Constituent Assembly. It is for you to consider.

Janab SYED BADRUDDUJA: I want to omit the clauses.

Mr. SPEAKER: It is only a very, very minor change.

Janab SYED BADRUDDUJA: I mean the clauses that are covered by them.

I beg to move that this Assembly is of opinion that the following changes be made in Articles 43 and 44 of the Draft Constitution, viz.:—

That in Article 43, the clauses "a" and "b" and the brackets be omitted.

That in Article 44(2)(a), after the word "State" in line 2, the following be added:—

"and each of the members representing the State in both Houses of Parliament."

That in Article 44(2)(a), after the word "Legislature" in line 5, the following be added:—

"and the total number of elected members representing the State in both Houses of Parliament."

That the clause (c) of Article 44(2) be omitted.

Mr. SPEAKER: May I know as to how you want to omit clauses (a) and (b)? Do you want the clauses to be omitted or only the letters "a" and "b"?

Janab SYED BADRUDDUJA: The clauses.

Mr. SPEAKER: That is not your motion. If you remove the clauses it becomes meaningless. Do you wish that these clauses (a) and (b) should be omitted?

Janab SYED BADRUDDUJA: No, no, only the letters "a" and "b". The President shall be elected by the members of an electoral college consisting of—

the members of both Houses of Parliament, and

the elected members of the Legislatures of the States.

Mr. SPEAKER: What I was pointing out to you was this: whether the letters "a" and "b" should remain or they should be omitted.

Janab SYED BADRUDDUJA: They should go.

Mr. SPEAKER : That is a matter of very minor importance.

Janab SYED BADRUDDUJA: That it is.

Mr. SPEAKER: That should be left to the Constituent Assembly and not to us. We are discussing here the main principles.

Janab SYED BADRUDDUJA: That does not make the position very clear.

Mr. SPEAKER: That is of very minor importance. Do you wish to move that?

Janab SYED BADRUDDUJA: Yes, I want to move this amendment as it is—

That in Article 43, the letters "a" and "b" and the brackets be omitted.

Mr. Speaker, Sir, while discussing the position of the President and powers vested in the President, in my general observations in the course of the discussion on the Draft Constitution I definitely remarked that such wide powers, should under no circumstances, be vested in a President or a Governor, because the President after all is a human being subject to shortcomings and limitations to which all other human beings are subject. So the President is not above reproach under all circumstances. We have from our personal experience of things seen that even Governors of Provinces have been parties to organised moves; that Governors have been drawn into controversies. It has naturally had disastrous effect upon the politico-social relationship of a country. Naturally I was apprehensive as to whether

we should give such wide and unlimited powers to the President. I was definitely of opinion that an organisation like the Council of Commissariat in Russia consisting of 35, 40 or 25 members, who have got checks and balances among themselves, who can understand each other, who can understand problems of administration and politics and in collaboration with one another, may be in a position, with their collective experience and wisdom, to guide the affairs of the State. But at the present moment I am not discussing the powers of the President; I am discussing the question of election of the President. As it is rather a technical and complicated subject and as you have seen that even in trying to delete (*a*) and (*b*) we have ourselves been misled and there has been some sort of confusion, I would seek permission of the House as well as of the Speaker to read out a statement on this subject which I have prepared, so that there may be no further confusion. So with the permission of this House and yourself, Sir, I will read out a note that I have prepared on the subject.

The purpose of my amendments is to remove as far as possible the obvious and glaring anomalies in electing a Democratic President for the Indian Union. It has not been explained in the Draft Constitution why the most straightforward method of direct election of the President of a Sovereign Democratic Republic has been discarded. Provision has been made however to elect the President by means of an electoral college consisting of the members of both Houses of Parliament and the elected members of the Legislatures of the States. Obviously, there has been a drafting error in not putting the word "elected" before "members of both Houses of Parliament" in Article 43(*a*) which however correctly appears in Article 44(*2*) and 44(*2*)(*c*) stating the manner of election. The fundamental objection to this electoral college is that election to the legislatures of the States and Parliament would not ordinarily synchronise with the election of the President, so that members of the electoral college might seek a verdict from the people before their own elections as to whom they would like to elect as President in case they themselves are returned. Sir, be that as it may, I leave it to the members of the Constituent Assembly to say whether people of the land should be knowingly and definitely consulted for electing the President of this land. My present amendments do not relate to that also. Under Article 44(*1*) "uniformity in the scale of representation of the different States" at the election of the President has been desired and so that there may be a legal fiction of democratic election by the representatives of people, a special mode of voting capacity of members belonging to different States has been evolved in proportion to the population that each State represents. By this formula it is to be found that when the Legislative Assembly of a State is constituted on a scale of one representative for every lakh of the population as Draft rule 149(*5*) envisages, each elected member of the State would be entitled to cast 100 votes. In a State Legislature where each member in an average represents more than 1 lakh of population, the number of votes each member of that State Legislature would be entitled to cast would be proportionately increased from 100 votes and conversely, for members representing less than 1 lakh population in a State Legislature the number of votes would be proportionately diminished from 100 votes. On account of this relationship of the voting power with the population, the total votes that all the elected members of the State Legislatures would be entitled to cast in a population of about 33 crores of Indians would be 3,30,000. This vote may be exercisable by a body of State Legislature roughly numbering about 3,300 members. The constitutional and legal fiction that I mentioned before of finding out the "general will" in a Democratic Republican Presidential election through indirect election by representatives of the population elected on adult suffrage may be woven round these 3,30,000 votes to be exercised by a body of State Legislators elected on adult franchise. What is objectionable on democratic principles is that the elected members of the Houses of Parliament, also elected on adult franchise but from larger constituencies and not

exceeding 735 in number, have also been given equal rights of exercising 330,000 votes themselves. In other words they have been divided 50 : 50, 50 per cent. coming to the members elected to the Houses of Parliament on direct adult franchise and 50 per cent. to the larger number of people who have been elected to the State Legislatures. So their scale of representation has been reduced and equalised, although the number of people that have been returned to the Houses of Parliament is much smaller.

Janab A. F. M. ABDUR RAHMAN: Sir, I submit that the House be adjourned for prayer now. My friend may speak after the adjournment.

Mr. SPEAKER: All right.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Janab SYED BADRUDDUJA: I had almost finished before the recess. I was reading out what is objectionable on democratic principles, viz., that the elected members of the Houses of Parliament, also elected on adult franchise but from larger constituencies, and not exceeding 735 in number have also been given equal rights of exercising 3 lakhs 30 thousand votes themselves, each Member of the Houses of Parliament having 520 votes to cast as against 100 votes that each Member of the States Legislature will cast. In this connection I am to point out that the illustration under sub-clause (c) of clause 2 of Article 44 should have been demonstrated under the background of "real position," that is, the illustration is fictitious and artificial, has no bearing upon the real facts and therefore it does not become so self-revealing as my finding indicates. The constitutional aspect on this question of electing the President then resolves into two bodies of different representatives, one larger and the other smaller having themselves the right to interpret and give effect to the general will of the people in a representative democracy. In other words the "general will" has been duplicated to be reflected equally through two bodies unequal in size and composition and in practice the "will" of a small compact homogeneous body represented by the Members of both Houses of Parliament has got a practical advantage and supremacy over the "will" represented by the members of the State Legislature, in other words all the Members from the State Legislatures will have the same voting strength as all members grouped together in both Houses of Parliament. I have got no doubt that the provisions in the Constitution will very soon be exposed to the charge of oligarchic trickery. In no other Constitution of a representative government can it be found that the voting strength of a smaller number of representatives quantitatively is on a par with a larger number of representatives having common popular sanctions behind them.

By my amendment I want to do away with the unjustifiable mode of electing the President through two main bodies of representatives. I wanted to make them one body, one group. There can be only one body consisting of members of both Houses of Parliament and Members of the States Legislatures, that is, in one category, both should be lumped together and each one of the members returned to the State Legislatures as also to the Houses of Parliament on adult franchise having popular sanctions behind them would have the same quantitative voting strength as the other. So there is no confusion about all that. What I want to submit is that the Houses of Parliament, representing the people, having the sanctions of the people behind them and returned on adult franchise, under no circumstances should have any extra advantage and supremacy over the States Legislatures because after all all the members of the States Legislatures as also of the Houses of Parliament are elected on adult franchise. So all that I suggest by my

amendment is to do away with this unjustifiable mode of electing the President through two main bodies of representatives. I want that the individual representatives elected to the Houses of Parliament from a particular State should have equal voting strength with the individual representative of that State Legislature. This change would to a great extent eliminate the constitutional discrepancies in an indirect election. I do not think, Sir, the Government will have any objection to accept my amendment because this does not militate in any way against the main provisions. This suggestion in my amendment is more democratic, more logical and more sound. It does not give undue preponderance and weightage to the members of the two Houses of Parliament as against the Members of the States Legislatures. Sir, I hope the Government will have no objection to accept my amendment.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, may I point out that this is not a measure of the West Bengal Government, so our accepting his amendment cannot arise. You are certainly entitled to address yourself through the Hon'ble Speaker to the members of the Congress Party.

Janab SYED BADRUDDUJA: I beg your pardon. What I meant to say was that this may be forwarded to proper quarters. What you say is all right; the position is clear

The motion of Janab Syed Badrudduja that this Assembly is of opinion that the following changes be made in Articles 43 and 44 of the Draft Constitution, viz :—

That in Article 43, the letters "a" and "b" and the brackets be omitted

That in Article 44(2)(*a*), after the word "State" in line 2, the following be added :—

"and each of the members representing the State in both Houses of Parliament"

That in Article 44(2)(*a*), after the word "Legislature" in line 5, the following be added :—

"and the total number of elected members representing the State in both Houses of Parliament."

That the clause (*c*) of Article 44(2) be omitted,

was then put and lost

Mr. SPEAKER: The next amendment stands in the name of the Hon'ble Sri Bimal Chandra Sinha, but I do not find him in the House.

Sri BIMAL COMAR CHOSE: Sir, then I may move my amendment first.

Mr. SPEAKER: All right.

Article 244.

Sri BIMAL COMAR CHOSE: Sir, I beg to move that the Assembly is of opinion that the power to impose restrictions on the freedom of inter-State trade, commerce or intercourse granted by Article 244, clause (*b*), is too wide and therefore recommends that such power should be limited to the imposition of restrictions for the purpose of the administration of provincial duties of excise or for the purpose of controlling price and distribution of commodities in the national interest.

Sir, my resolution is almost self-explanatory. Article 244 (*b*) authorises any State to impose by law such reasonable restrictions on the freedom of trade, commerce or intercourse with other States as may be required in the public interest. I feel, Sir, as I had said in the course of the general discussion, that this Article keeps the door open for imposing restrictions on trade and commerce between States and this is likely to encourage the growth of narrow State interests and is also likely to be inimical to the interests of India as a whole. At the same time any State may impose octroi duties as also certain restrictions in connection with the administration of food laws and such other laws. Therefore, my resolution provides for such exceptions. But apart from these exceptions I think it is right that a State should not have the power to impose restrictions on trade and commerce.

The motion of Sri Bimal Comar Ghose that this Assembly is of opinion that the power to impose restrictions on the freedom of inter-State trade, commerce or intercourse granted by Article 244, clause (*b*), is too wide and therefore recommends that such power should be limited to the impositions of restrictions for the purpose of the administration of provincial duties of excise or for the purpose of controlling price and distribution of commodities in the national interest, was then put and agreed to.

Article 131.

Mr. SPEAKER: The Hon'ble Sri Bimal Chandra Sinha: Motion No. 8.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I am very sorry that I was absent from the House when you called my Motion No. 8 for which I apologise.

Sir, I beg now to move that this Assembly is of opinion that the Governor of a State shall be appointed as provided for in Article 131 (alternate method).

Sir, the object of my motion in moving this resolution is that in accordance with the scheme of Government that is set up in the Constitution Act a directly elected Governor does not really come in. The whole point is that if you have a Cabinet system of Government the Governor is only the pivot round which the whole machinery revolves. But he is not supposed to be the driving power: the driving power comes from the Council of Ministers. In this situation if you have an elected Governor the chances are there of this elected Governor coming into clash with the elected Premier of the province. There is another reason. The Governor has not been given any substantial power. If he is elected by such a huge and complex machinery it would lead to unnecessary expenditure and labour. In the United States of America there are elected Governors but there is not any cabinet system of government on the English principle. Therefore the Governor there with his Secretaries is the real Executive head and it is necessary that he should be elected by the direct vote of the people and should have the right to exercise the power given to him by the people themselves. But here, Sir, the whole idea is that the Governor will merely be a symbolic figure-head and the real power would be in the hands of the legislature, and the executive machinery set up by the legislature for registering its will will be the Cabinet which in the British sense of the term is a committee of the House, to register its will and give effect to it. In this situation we should accept the second method, namely, of choosing the Governor from a panel of four men suggested by the legislature. That would be the best thing. That would also make it possible to continue the present healthy practice of having a Governor appointed from amongst the citizens or residents of

another province. If there is a direct election it is almost sure that no man outside the province will have any chance of being elected as Governor. For all these reasons I think the second alternative provided for in the Draft Constitution should be accepted.

The motion of the Hon'ble Sri Bimal Chandra Sinha that this Assembly is of opinion that the Governor of a State shall be appointed as provided for in Article 131 (alternate method), was then put and agreed to.

Adjournment.

The House was then adjourned at 6-24 p.m. till 3-30 p.m. on Friday, the 17th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 17th September, 1948, at 3-30 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 8 Hon'ble Ministers and 58 members.

STARRED QUESTIONS

(to which oral answers were given)

(When held over question No. *13 was called out.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, may I suggest that this question may be held over till Monday because the Hon'ble Dr. Roy will be returning on Sunday evening.

Mr. SPEAKER: All right, held over.

Salt industry in the Province.

***14.** (SHORT NOTICE.) **Sri PRAMATHA NATH BANDOPADHYAYA:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether he is aware that the seaside area of the Contai subdivision in Midnapore district has possibility of producing salt for the whole of West Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the measures which Government intend to take for the improvement and extension of salt industry in the Province?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the agencies which are engaged in manufacturing salt;

(*ii*) the process of manufacture;

(*iii*) the percentage of the total salt area used by these manufacturers,

(*iv*) whether Mr. G. T. Kamdar, one of the Directors of Kathiawad and Okha Salt Factories, accompanied by Mr. K. Sen, Director of Industries of West Bengal Government, visited the Contai salt area;

(*v*) if so, the object of his visit;

(*vi*) whether Government have any intention of allowing non-Bengali capitalists to develop and manufacture salt in Contai salt areas; and

(*vii*) if not, whether Government consider the desirability of preserving and developing the salt areas of Contai subdivision for the interest of poor and middle class Bengalees on cottage industry basis?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Sri Nalini Ranjan Sarker): (*a*) Yes. It is believed that salt sufficient for the requirement of West Bengal for ordinary consumption can be produced provided the available resources in the area are exploited to the full extent by efficient and up-to-date methods.

(*b*) Government have decided to take suitable measures for the improvement and extension of salt industry in the Province. They will (*i*) themselves develop salt industry in some specified area on Government's own account or through suitable public corporations on a big scale where Government will have controlling shares; (*ii*) promote the cause of the industry by extending suitable help to the concerns which already exist in the line and which are capable of efficient expansion; and (*iii*) help in the growth of salt manufacture on a small scale in the saline areas. The whole scheme is under the consideration of the Government and it will be decided soon.

(*c*) (*i*) Six factories and a number of cottage salt boilers are now engaged in manufacturing salt.

(*ii*) There are three processes, viz., (1) solar evaporation, (2) solar evaporation-*cum*-boiling, and (3) boiling.

(*iii*) At present data for working out percentage are not available to the Government.

(*iv*) Yes.

(*v*) Mr. Kamdar was invited to advise on the selection of salt beds.

(*vi*) Government have no such intention.

(*vii*) As I have already said in my reply suitable part of saline belt in the Contai coast will be developed on a cottage or small industry basis.

Sri PRAMATHA NATH BANDOPADHYAYA: মাননীয় মন্ত্রী মহাশয় বলবেন কি যে গভর্ণমেন্ট Salt industry develop করবার ব্যবস্থা করেছেন তা কত দিনের ভিতর হ'তে পারবে?

The Hon'ble Sri NALINI RANJAN SARKER: আমার মনে হয় Scheme দু'মাসের মধ্যে শেষ হবে।

Sri PRAMATHA NATH BANDOPADHYAYA: এই যে up-to-date methods বলেছেন তা বলতে গভর্ণমেন্ট কি বোঝেন?

The Hon'ble Sri NALINI RANJAN SARKER: গভর্ণমেন্ট কিছুই বোঝেন না। Expert Committee থেকে up-to-date methodsএর কথা বলেছেন, তাই আমি সেই কথা বললাম।

Sri PRAMATHA NATH BANDOPADHYAYA: এই যে boiling processএর কথা বলেছেন (*c*) (*ii*) তে সেই উপায়ে নুন তৈরী করতে জ্বালানী কয়লা বা কাঠ যা দরকার তা না পাওয়াতে নুন তৈরী বন্ধ হয়ে গেছে এটা গভর্ণমেন্ট জানেন কি?

The Hon'ble Sri NALINI RANJAN SARKER: না, জানা নাই।

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state, with regard to answer (*c*)(*vi*) that Government has no intention of allowing non-Bengali capitalists to develop and manufacture salt in Contai salt area, whether non-Bengali capitalists will be actually prevented from manufacturing salt in this area?

The Hon'ble Sri NALINI RANJAN SARKER: They can work as experts, they can work as labour.

Sri JYOTI BASU: My question has not been answered.

The Hon'ble Sri NALINI RANJAN SARKER: His question was whether non-Bengali capitalists will be allowed to exploit this area for manufacture of salt. The Government has no intention of preventing them by law.

Sri JYOTI BASU: My question was whether non-Bengali capitalists, if they have capital and they wish to go into business on the salt industry, will they be actually prevented from doing so?

The Hon'ble Sri NALINI RANJAN SARKER: The question of prevention does not arise. Government will do it themselves, but in addition to that if there is space, other people can do it, but I know there is no space.

Sri JYOTI BASU: So, everybody whether Bengali or non-Bengali, if has capital or if he co-operates with Government, will be allowed.

The Hon'ble Sri NALINI RANJAN SARKER: Not to manufacture sa but to buy shares in the different Corporations.

Sri ANNADA PRASAD CHOUDHURY: উত্তরের সর্ব্বশেষ অনুচ্ছেদে মাননীয় মন্ত্রী মহাশয় বলেছে "As I have already said in my reply, suitable part of saline belt on the Contai coa will be developed on a cottage or small industry basis".—ভবিষ্যতে ত করা হবে, কি এখনই যে অনেক লোক প্রচুর পরিমাণে নুন তৈরী করে সেটা মন্ত্রী মহাশয় অবগত আছেন কি?

The Hon'ble Sri NALINI RANJAN SARKER: আমি নিজে জানি না।

Sri ANNADA PRASAD CHOUDHURY: যদি না জানা থাকে তাহ'লে খোঁজ করলে জানবে যে যারা তৈরী করে তারা কয়লা এবং অন্য জ্বালানীর অভাবে এখন প্রচুর পরিমাণে নুন তৈরী করতে পারে না। অনুসন্ধানের ফলে যদি তা সত্য হয় তাহ'লে তারা যাতে যথেষ্ট জ্বালানী পেতে পারে সে ব্যবস্থা গভর্ণমেণ্ট করবেন কি?

The Hon'ble Sri NALINI RANJAN SARKER: অনুসন্ধান করবার ব্যবস্থা করব। এ পর্য্যন্ত আমার কাছে কেউ এ বিষয়ে complain করে নি।

Sri HEMANTA KUMAR BASU: মাননীয় মন্ত্রী মহাশয় বলবেন কি যে লবণ তৈরী করবার যে প্রথা তা কয় ভাগে বিভক্ত?

The Hon'ble Sri NALINI RANJAN SARKER: তিন ভাগে বিভক্ত। আমরা ঐ ভাবে বিভাগ করেছি।

Sri HEMANTA KUMAR BASU: "দেশপ্রাণ" বোলে একটা Co-operative Sal Industry আছে, মাননীয় মন্ত্রী মহাশয় তা জানেন কি?

The Hon'ble Sri NALINI RANJAN SARKER: আমি নাম জানি না। তবে এই হাউসে একজন মাননীয় সভ্য একটা নূতন কোম্পানী রেজিষ্ট্রী করেছেন।

Sri HEMANTA KUMAR BASU: মাননীয় মন্ত্রী মহাশয় জানেন কি যে Government of India বাংলাদেশের Salt Industry সম্বন্ধে অনুসন্ধান করবার জন্য একটি কমিটী পাঠিয়েছিলেন?

The Hon'ble Sri NALINI RANJAN SARKER: অনুসন্ধান করবার জন্য পাঠান নাই। আমরা চেয়েছিলাম তাই তাঁরা পাঠিয়েছিলেন। Contaiতে যদি salt manufacture করবার big corporation করা হয়—যদি সেখানে আমরা বড় Factory করি তা হ'লে তাঁরা তাতে interest নিতে রাজী আছেন।

Sri HEMANTA KUMAR BASU: এ বিষয়ে তাঁরা কি বিশেষ কোন লোককে নিযুক্ত করবার জন্য recommend করে গেছেন?

The Hon'ble Sri NALINI RANJAN SARKER: না, তা করেন নাই। তবে sal industry যেভাবে করতে চাই, তার জন্য একজন ভাল Special Officer নিযুক্ত করা দরকার হবে।

Sri KANAI LAL DE: মাননীয় মন্ত্রী মহাশয় বলবেন কি যে Contaiতে যদি বড় বড় Sal Industry করেন, তাহ'লে কুটির শিল্প হিসেবে যারা সেখানে নুন তৈরী করছে, তাতে কোন বাধা হবে কি না?

The Hon'ble Sri NALINI RANJAN SARKAR: না, তা হবে বলে আমার মনে হয় না।

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state how many Congress M.L.A.'s are interested personally in this business of salt?

The Hon'ble Sri NALINI RANJAN SARKER: I do not know.

Sri PRAMATHA NATH BANDOPADHYAYA: মাননীয় মন্ত্রী মহাশয় বলবেন কি নূতন যে কোম্পানী হয়েছে তার শক্তি কি এত বেশী যে তাকে একটা plot দেবেন এবং তা তিনি জানলেন কি করে?

The Hon'ble Sri NALINI RANJAN SARKER: আমি আশা করে বলেছি। যদি শক্তি হয় তাহ'লে পাবেন। যিনি শক্তি দেখাতে পারবেন, তাকে নিশ্চয়ই দিতে হবে।

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রী মহাশয় বলবেন কি--শ্রীযুক্ত অন্নদা প্রসাদ চৌধুরীর এক প্রশ্নের উত্তরে বলেছেন যে তিনি এখনও জানেন না যে যারা নুনমাটী নিয়ে লবণ জল ফুটিয়ে লবণ তৈরী করে, তাদের কয়লা বা জ্বালানী কাঠের অভাব হচ্ছে কি না, কিন্তু যারা কুটীরশিল্প হিসেবে লবণ তৈরী করে তারা জ্বালানীর অভাবে যদি লবণ তৈরী করতে না পারে তাহ'লে গভর্ণমেণ্ট তাদের কাঠ ও কয়লা দিয়ে সাহায্য করতে চান কি না?

The Hon'ble Sri NALINI RANJAN SARKER: গভর্ণমেণ্ট নিশ্চয়ই চেষ্টা করবেন তাদের সাহায্য করতে। কিন্তু গভর্ণমেণ্ট ইচ্ছা করলেই কয়লা পাওয়া যাবে না। কারণ কয়লা যেখানে আছে সেখান থেকে সেই লবণের কারখানায় নিয়ে যেতে হবে, তা এ গভর্ণমেণ্টের উপর নির্ভর করে না।

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রী মহাশয় তাদের কয়লা যদি না দিতে পারেন, তাহলে তাদের সুন্দরবন Reserve Forest থেকে কাঠ কেটে আনার অনুমতি দিতে চান কি না?

The Hon'ble Sri NALINI RANJAN SARKER: সুন্দরবনের কাঠের position কি এবং তা নিয়ে যাবার সুবিধা আছে কি না ইত্যাদি বিষয় fresh notice দিলে জানাতে চেষ্টা করব।

Sri CHARU CHANDRA BHANDARI: গভর্ণমেণ্টের পক্ষে যদি সম্ভব হয় বিনা আয়াসে সেখান থেকে এমন সাহায্য দেওয়া তাহলে তা দিতে গভর্ণমেণ্ট প্রস্তুত আছেন কি না?

The Hon'ble Sri NALINI RANJAN SARKER: তা বলাই বাহুল্য।

Sri HARIPADA CHATTERJEE: কত দিনে এই অনুসন্ধান করবেন?

The Hon'ble Sri NALINI RANJAN SARKER: তা বলতে পারি না। হঠাৎ এমন প্রশ্নের উত্তর দেওয়া যায় না।

Berhampore Electric Supply Company, Limited.

***15. Sri SATISH CHANDRA CHAKRAVARTY:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether it is a fact that the Berhampore Electric Supply Company, Limited, is not functioning satisfactorily?

(*b*) If the answer be in the affirmative, do the Government consider the desirability of taking any steps for its improvement or taking up the management of the concern?

The Hon'ble Sri NALINI RANJAN SARKER: (*a*) Yes.

(*b*) The company have been warned that if the supply position continues to be unsatisfactory, Government will consider the question of revoking the license. It is expected that the position will be improved when the new 145 K.W. generating set under order by the company is installed.

Sri SATISH CHANDRA CHAKRAVARTY: Will the Hon'ble Minister be pleased to state whether Government is in a position to say how long this unsatisfactory state of things will continue?

The Hon'ble Sri NALINI RANJAN SARKER: I cannot say definitely. I hope this state of things will be over within three or four months.

Sri SATISH CHANDRA CHAKRAVARTY: Will the Hon'ble Minister be pleased to state how long this unsatisfactory condition has been continuing?

The Hon'ble Sri NALINI RANJAN SARKER: For a long time.

Sri SATISH CHANDRA CHAKRAVARTY: Will the Hon'ble Minister be pleased to state whether Government has received any complaint as to the insufficient street light at Berhampore?

The Hon'ble Sri NALINI RANJAN SARKER: I have received complaints through this question as also by some of the Berhampore M.L.A.'s

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state when the Company was warned—in which month?

The Hon'ble Sri NALINI RANJAN SARKER: I want notice.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state as to when this new 145 K. W. machinery will be installed?

The Hon'ble Sri NALINI RANJAN SARKER: The engine is at the site; the generator is at the dock. I think they will be installed within two or three months.

Sri JYOTI BASU: Is it only for the lack of machinery that this particular Company was not functioning satisfactorily?

The Hon'ble Sri NALINI RANJAN SARKER: That is the principal reason?

Sri JYOTI BASU: What are the other reasons beside this principal reason?

The Hon'ble Sri NALINI RANJAN SARKER: I am told that the Company is not being managed efficiently.

Sri JYOTI BASU: Does the Government consider it worth-while to change the management of the Company if it is not working satisfactorily?

The Hon'ble Sri NALINI RANJAN SARKER: We want to give them a chance.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state how many chances Government are prepared to give to the Company? Is it the last chance?

The Hon'ble Sri NALINI RANJAN SARKER: I cannot say whether it is the last chance or the next to last

Imposition of Sales Tax twice on certain sales transactions.

***16. Maharaja SRIS CHANDRA NANDY of Cossimbazar:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state if it is a fact that since the amendment in the Bihar Sales Tax Act in 1947, the business concerns having their principal offices in West Bengal and connected mineral properties in Bihar are being subjected to a double imposition of sales tax on the same sales transaction, once by the Province of West Bengal and again by the Province of Bihar from where the commodity is despatched?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he has taken or proposes to take to remove the double imposition of sales tax?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Sri Nalini Ranjan Sarker): (*a*) Government are not aware whether the proposition as stated in the body of the question is a fact. But under the Bihar law as amended in 1947 –

(*i*) when a sale takes place outside the Province but the goods are situated in the Province at the time of the sale, the sale is deemed to have taken place in the Province; but

(*ii*) no exemption is granted even when the goods sold in the Province are despatched outside the Province by the selling dealer.

Thus when goods situate in Bihar are sold in West Bengal, Bombay, Madras or any other Province, the sale is taxable in Bihar even though the

goods are despatched by the selling dealer to the Provinces where they have been sold. Hence under certain conditions it is possible that the same sale may be taxed twice, West Bengal, Bombay, Madras or any other Province which levies a sales tax, as the case may be, taxing it because the sales take place within its territory, and Bihar taxing it by deeming the sale to have taken place in Bihar.

(*b*) None. The double taxation rises because the Bihar law *deems* certain sales to have taken place in Bihar though actually they took place elsewhere and taxes such sales though the goods so sold were actually despatched to places of sale outside the Province by the selling dealer. How far such "deeming" for the purposes of taxation in such cases is *intra vires* of the Provincial Legislature is for the Federal Court to decide. But subject to the judicial control of the Federal Court, the Bihar Legislature is free to frame its own law in this respect.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state whether the West Bengal Government have examined if this law is *intra vires* of the Bihar Provincial Assembly or the Bihar Government?

The Hon'ble Sri NALINI RANJAN SARKER: Why should we examine whether it is *intra vires* of the Bihar Government or not?

Sri BIMAL COMAR GHOSE: For this reason that since there is a double taxation, if relief could be given to the traders here, that would be of benefit to them and also to this Province.

The Hon'ble Sri NALINI RANJAN SARKER: I do not think the Provincial Government should go to the Federal Court. Private business-men whose representative Mr. Ghose is and who are hard hit may go to the Federal Court.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state if the matter has been referred to the Bihar Government at all?

The Hon'ble Sri NALINI RANJAN SARKER: It is no use referring to Bihar Government on many questions. Not only the Bihar Government, but the Central Provinces and United Provinces also think that they must have this double taxation, because it does not affect their trade, but the exporting centres like Bombay and Calcutta cannot do this, because their trade will be affected.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister consider whether similar taxation for goods which have been sold to Bihar cannot be imposed by this Government?

The Hon'ble Sri NALINI RANJAN SARKER: No; it cannot be imposed, because our trade will be affected.

Supply of potato seeds to cultivators.

*17. (SHORT NOTICE.) **Sri PRAMATHA NATH BANDOPADHYAYA:** Will the Hon'ble Minister in-charge of the Agriculture Department be pleased to state—

(*a*) the arrangements which are made by the Government to supply potato seeds to the agriculturists of West Bengal;

(*b*) whether the Government will take up the responsibility of supplying potato seeds this year to the agriculturist or the supply of potato seeds to the agriculturists will be left over to potato dealers in free market and at a reasonable price; and

(*c*) whether Rangoon potato seeds will be available this year?

Sri KANAILAL DASS (on behalf of the Hon'ble Sri Jadabendra Nath Panja): A statement explaining the policy of Government in regard to supply and distribution of seed potatoes in West Bengal during the ensuing season (1948-49) is laid on the table.

Statement referred to in reply to short notice starred question No. 17.

With a view to formulating an adequate policy in regard to supply and distribution of seed potatoes in West Bengal during 1948-49, Government had moved as early as February, 1948, and commissioned the Indian Statistical Institute to undertake a sample survey for ascertaining the probable requirements of seed potatoes for the ensuing season, and to send estimates of total supplies likely to be available within the Province. On the basis of the data furnished by the Institute, the next season's approximate requirements of seed for covering our total acreage of about 1 lakh acres has been assessed at 7 lakh maunds. After taking into consideration the estimated supplies from cultivators' own reserves and local markets, it was found that the Province would require about 5 lakh maunds of seed potatoes from external sources, to enable normal sowings to be carried out. According to available accounts, seed supplies from different sources might be roughly estimated as follows:—

Assam—1 lakh maunds.

Simla—2 lakh maunds.

Darjeeling—60 thousand maunds.

Bihar—10 thousand maunds

Burma supplies which were already uncertain, mainly because of export restrictions at the Burma end, may now be ruled out altogether, because of disturbed conditions of that country

As the situation stands at present, no insurmountable transport difficulties are apprehended in regard to supplies from Bihar, Assam, Darjeeling and Burma; but transport from Simla is a special problem, inasmuch as the total number of wagons on the hill section (between Simla and Kalka) earmarked for movement of seed potatoes to all the different Provinces, is not likely to exceed 15 narrow gauge wagons, of which West Bengal can, at best, expect to secure 5 wagons per day. The question of this transport bottleneck was fully discussed at an informal meeting of representative wholesale dealers on 25th August, 1948, in course of which it became apparent that West Bengal could never hope to bring down more than 50/60 thousand maunds of seed potatoes from Simla, as against the desired target of 2 lakh maunds, if she depended solely on the aforesaid inadequate wagon allotments on the Simla-Kalka Stretch, and that supplementary road movements must, therefore, be arranged The traders offered to arrange such truck movements, provided supplies of petrol were forthcoming, and they also seemed to be sanguine that in view of a better crop this year in exporting areas, procurement prospects were encouraging, provided there were no outside interference and legitimate assistance in the matter of securing transport facilities was furnished by Government.

After considering all relevant factors and circumstances, and specially in view of the fact that there was no control in the other Provinces, and this Province could not, therefore, hope to exercise physical control over anything beyond a small percentage of her total requirements (grown in the Darjeeling district) it was decided by Government not to impose any control this year on the price and movement of seed potatoes within the Province, and to leave procurement and distribution of potato seeds to the normal trade channels. Departmental action would be confined to organising assistance to wholesale importers in the matter of securing transport priorities in the Simla-Assam routes, securing of petrol quotas for them for supplementary road movements in the Simla-Kalka section, and the posting of liaison officers at Kalka and

Parbatipur or Santahar, for ensuring smooth transhipment of consignments and for helping the importers generally. As the sponsoring of wagon movements and allocation of petrol quotas to wholesalers would be undertaken by the Department on behalf of the traders, it is believed that they would co-operate with the State in ensuring smooth and timely supplies and would refrain from reckless profiteering.

Sri BIMAL COMAR CHOSE: Will the Hon'ble Minister be pleased to state if he is aware that the statement referred to amounts to this that the Government can render no help in the matter of supply of potato seeds to the agriculturists of West Bengal this year?

Sri KANAILAL DASS: Seeds will be supplied this year

Sri BIMAL COMAR CHOSE: Sir, my question has not been answered. My question was that the statement referred to amounts to this that the Government can render no help to the agriculturists this year If he is aware of that.

The Hon'ble Sri JADABENDRA NATH PANJA: আমরা সব সময় price যাতে বেশী না হয়, সেদিকে লক্ষ্য রাখব। আমাদের লক্ষ্য থাকবে যেখান থেকে seed আসবে, সেখানকার market price-এর প্রতি। সেখানকার price and আনবার খরচ দেখে এখানকার দাম ঠিক রাখতে হবে। গভর্ণমেন্টের কাছ থেকে যখন wagon নেওয়া হবে তখন price সম্বন্ধে আমাদের বিশেষ লক্ষ্য রাখতে হবে।

Sri PROMOTHA NATH BANDOPADHYAYA: মাননীয় মন্ত্রী মহোদয় জানাবেন কি কোন private party যদি আলুর বীজ আনাতে চায় তাহলে তাদেরও Railway wagon privilege দেবেন কি না?

The Hon'ble Sri JADABENDRA NATH PANJA: তাদেরও wagon যাতে পেতে পারেন, আমরা তার জন্য চেষ্টা করব।

Sri PROMOTHA NATH BANDOPADHYAYA: গভর্ণমেন্ট যে estimate দেখিয়েছেন, তাতে দেখা যায় Simla থেকে ২ লক্ষ মণ আলু আসবে কিন্তু তার পরেই যে statement দিয়েছেন, তাতে দেখছি ৫০/৬০ হাজার মণের বেশী আলুর বীজ সিমলা থেকে আসতে পারে না। এই যে ১৪০ লক্ষ মণ কম পড়বে, সেটা কি করে meet করবেন?

The Hon'ble Sri JADABENDRA NATH PANJA: এখন যতটা জানা যাচ্ছে তাতে আসাম থেকে আরো আলু আসতে পারে, এছাড়া মাদ্রাজ থেকেও আসতে পারে। তবে এখানকার লোক মাদ্রাজের seeds তেমন ব্যবহার করে না। কিন্তু ব্যবসায়ীরা বলছেন যদি যথেষ্ট বীজ অন্যত্র হতে না পাওয়া যায় তাহলে মাদ্রাজ seedsও ব্যবহার করতে হবে। তবে আসাম থেকে এক লক্ষের জায়গায় দুলক্ষ মণ আসতে পারে, সেইজন্য আলু সম্বন্ধে কোন অসুবিধা হবে না।

Sri PROMOTHA NATH BANDOPADHYAYA: এখন থেকেই আলু আনান হচ্ছে না কেন?

The Hon'ble Sri JADABENDRA NATH PANJA: সেপ্টেম্বর মাসে যদি আলু আনান হয় তাহলে সে আলু খারাপ হয়ে যেতে পারে, সেইজন্য অক্টোবর মাস থেকেই আনান হবে। তার পরে কার্তিক মাসে ব্যবহার করা চলবে।

Sri CHARU CHANDRA BHANDARI: গভর্ণমেন্ট পূর্ব পূর্ব বৎসরে নিজেরাই আলু আনিয়ে বিভিন্ন অঞ্চলের চাষীদের দেবার ব্যবস্থা করতেন, এবারে সেটা না করার কারণ কি?

The Hon'ble Sri JADABENDRA NATH PANJA: গভর্ণমেন্ট নিজেরা আনাতেন না, কোন কোন ব্যবসায়ীদের হাতেই আনাতেন, তাতে করে দেখা গেছে ভাল supply হওয়া সম্ভব হয়নি। সেইজন্য normal channelএ আমদানী করালে ভাল supply হবে বলে আশা করা যায়। আপনারা দেখেছেন যে বর্তমানে আলুর দাম কমেছে, ব্যবসায়ীদের wagon দেওয়ার ভাল ব্যবস্থা করলে, আমি আশা করি, আলুর বীজের দামও এবৎসরে কম থাকবে।

Sri CHARU CHANDRA BHANDARI : কিন্তু তাতে black marketing থাকবে না তো ?

The Hon'ble Sri JADABENDRA NATH PANJA : আমি ত পূর্বেই বলেছি যে priceএর দিকে গভর্ণমেণ্টের খুব বেশী লক্ষ্য থাকবে।

Janab ABUL HASHEM : আচ্ছা, যারা কালাবাজার করবে তাদের যেন wagon দেয়া হবে না—আমি জানতে চাই যারা কালাবাজারে বিক্রি করবে তাদের সেটা গভর্ণমেণ্ট ধরবেন কখন ? যখন বিক্রি করবে তখন না বিক্রয়ের আগে, যদি বিক্রয়ের পরে হয় তাহলে ত কালাবাজারকারীকে wagon দেয়াই হয়ে গেছে।

The Hon'ble Sri JADABENDRANATH PANJA : আলু ত মাত্র একবারেই আসবে না, অনেকদিন ধরে continue করা হবে, যে একবার কালাবাজার করবে তাকে আর next timeএ wagon দেয়া হবে না।

Janab ABUL HASHEM : যাতে কালাবাজার না করা হয় সে সম্বন্ধে গভর্ণমেণ্ট কোন ব্যবস্থা করেছেন কি ?

The Hon'ble Sri JADABENDRA NATH PANJA : গভর্ণমেণ্টের কর্মচারীরা agriculture officerরা রয়েছেন, তাঁরা লক্ষ্য রাখবেন। প্রধান দুটী marketএর একটা হলো মেমারী মার্কেট্ আর একটা হলো সেওরাফুলি মার্কেট্—এই দুটী মার্কেটেই গভর্ণমেণ্ট বেশী লক্ষ্য রাখবেন।

Shaik MOHAMAD RAFIQUE: The Hon'ble Minister said that wagons will not be allotted to the parties who would sell the potatoes at black-market rates. May I ask you the Hon'ble Minister how can he check the blackmarket activities if he merely stops supplying wagons to such traders of potatoes in Calcutta?

The Hon'ble Sri JADABENDRA NATH PANJA : কলকাতায় আমাদের officer থাকবেন, তাঁরা দেখবেন কে কত দরে বিক্রয় করে, তাদের ত নিজেদের wagon যোগাড় করা সম্ভব হবে না, গভর্ণমেণ্টের কাছ থেকে wagon তাদের নিতেই হবে।

Shaik MOHAMAD RAFIQUE : তারা নিজেরা যে wagon যোগাড় করতে পারবে না তাত আমি জানি, সেইজন্যই আমি জিজ্ঞাসা করছি wagon যখন দেয়া হবে না তখন কি করে আলু আসবে ? যেমন A B C'কে wagon দেয়া হলো, তারা black market করে বসল, তাদের wagon দেয়া বন্ধ করা হল, তখন আলু কে আনবে ?

The Hon'ble Sri JADABENDRA NATH PANJA : আলু ব্যবসায়ী কম নাই, বহু সংখ্যক ব্যবসায়ী আছে, তাদের দ্বারা আনান যাবে।

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রীমহাশয়কে বলছি কি পূর্ব পূর্ব বৎসরে যে system চলিত ছিল--গভর্ণমেণ্ট আনিয়ে চাষীদের দিতেন সেটাতে কি সন্তোষজনকভাবে কাজ চলে না, সেটায় কি supply কমের জন্য বা অন্য কোন ত্রুটির জন্য সেইভাবে এবার কাজ করা হবে না ?

The Hon'ble Sri JADABENDRA NATH PANJA : পূর্ব বৎসরের কথা বলতে পারি না, তবে যতদূর জানি transport difficulty খুব বেশী ছিল, কিন্তু এবারে সেই transport difficultyটা অনেকটা solved হয়েছে। গভর্ণমেণ্ট মহাজনদের সঙ্গে কথাবার্তা বলছেন।

Sri CHARU CHANDRA BHANDARI : মাননীয় মন্ত্রীমহাশয় কি বলবেন--Transport difficulty যখন solvedই হয়েছে তখন গভর্ণমেণ্ট নিজেরা এনে চাষীদের দেয়াই কি ভাল মনে করেন না।

The Hon'ble Sri JADABENDR NATH PANJA : না, normal trade channelএ, না দিলে কাজ ভাল চলে না।

Janab ABUL HASHEM : মাননীয় মন্ত্রীমহাশয় কি জানাবেন আলুর বাজারে পুলিশ রাখা ছাড়া আলুর বেটা ন্যায়সঙ্গত price তাঁরা ধার্য্য করবেন সেটা সংবাদপত্র মারফৎ জনসাধারণকে জানাবেন কি ?

The Hon'ble Sri JADABENDRA NATH PANJA : এ প্রশ্নই ওঠে না, কারণ Control Price বলে কিছু থাকবে না, যেখান থেকে কেনা হবে--সেখানকার priceএর সঙ্গে সমতা রেখে এখানে বিক্রয় হবে।

Janab Md. KHUDA BUKHSH : মাননীয় মন্ত্রীমহাশয় বলবেন কি—দার্জিলিং থেকে যে আলু খরিদের ব্যবস্থা আছে সে আলু সেখান থেকে আনবার জন্য কোন Permitএর ব্যবস্থা আছে কি না?

The Hon'ble Sri JADABENDRA NATH PANJA : না, Permitএর কোন দরকার নাই।

Sri HARIPADA CHATTERJEE : একবার Control ছেড়ে দেওয়ার কি অবস্থা হয়েছে তা তো অবগত আছেন?

The Hon'ble Sri JADABENDRA NATH PANJA : মিল মালিকদের সঙ্গে আলু ব্যবসায়ীদের তুলনা করা ঠিক হবে না।

Sri HARIPADA CHATTERJEE : তারাও যে ঐ রকম কারবার করবেন না তার কি কোন বাধা আছে।

The Hon'ble Sri JADABENDRA NATH PANJA : আজ পর্যন্ত তাদের সঙ্গে যে কথা-বার্তা হয়েছে তাতে মনে হয় ওরকম কিছু ঘটার সম্ভাবনা নেই।

Motions on Draft Constitution of India.

The Hon'ble Sri NALINI RANJAN SARKER: Mr. Speaker, Sir, I beg to move that this Assembly is of opinion that the scheme of allocation and distribution of revenues between the Union and the States proposed in Part X, Chapter I, of the Draft Constitution of India prepared by the Drafting Committee of the Constituent Assembly is fundamentally defective *inter alia* on the following grounds:

(1) By providing that in some cases the distribution of certain revenues is to be determined by Parliament, while in others, e.g., Income-Tax (Article 251) it is left entirely as a matter of discretion of the Union Government at least within the first five years, the scheme fails to ensure to the provinces a fixity and certainty of revenues so essential for enabling them to meet their growing needs and responsibilities;

(2) The scheme reveals an imperfect appreciation of the fact that under the new constitutional set-up stability and adequacy of revenues is a matter of particular concern to the Provinces whose needs for the general development of the country and welfare services will be of a continually expanding nature, while the expenditure of the Centre with its responsibilities limited to Defence, Foreign Affairs and the service of the bulk of the National Debt should be normally stable (except during war), and further that the enormous responsibilities devolving on the Provinces required them to be assured of a financial arrangement that will meet the needs of both stability and elasticity;

(3) The scheme overlooks the fact that the first five years will constitute the most formative period of the history of the country when the Provinces will be hard put to the task of meeting expectations of the masses, and that any uncertainty in their resources which must seriously handicap their capacity for planned action is extremely undesirable;

and, accordingly, this Assembly recommends that the finance of the Provinces should be taken out of the uncertainties of the vote of the Dominion Parliament where such vote is contemplated and that the Provinces' share of the income-tax should be determined by a statutory provision instead of

being made to depend from year to year on the consent and sanction of the Centre, and that the following changes in the scheme of distribution of revenues between the Union and the States be effected, namely:—

A. That the constitution should provide—

(i) that not less than 60 per cent. of the net proceeds of income-tax including Corporation tax and the tax on Federal emoluments should go to the Provinces,

(ii) that not less than 50 per cent of the net proceeds of the excise duty on tobacco should go to the provinces,

(iii) that while the proceeds of all export duties should be retained by the Centre, there shall be paid to those provinces which have been sharing for some time the net proceeds of the export duty on jute and jute goods with the Centre, grants of fixed assignments for a period of years, say, ten years,

(iv) that the whole or part of the net proceeds of any tax that may be levied by the Centre under the residuary powers shall be distributed among the provinces, the proportion to go to the provinces being determined by law until altered by the President according to the advice of a Standing Finance Commission,

(v) that the net proceeds of any central tax on transactions in the Stock Exchanges and futures markets should not, like the net proceeds of centrally levied stamp duties, form part of the revenues of the Union but shall form part of the revenues of the State in which the tax is collected

B. That the manner in which shares of centrally levied taxes are to be distributed to the various provinces should be determined by the President by certain set principles such that in the case of Income-tax the principal consideration should be the basis of collection and population, a fraction being set apart for mitigation of hardship to individual provinces; that in respect of succession and Estate Duties the main determining principle should be the location in the case of real property and in case of other properties the residence of the deceased primarily and also population, and that in the case of Excise Duty on Tobacco the principle of distribution should be based mainly on estimated consumption in a particular area

C. That the Finance Commission as contemplated in Article 260 should be an expert body commanding public confidence and should be appointed as soon as possible and should be a permanent body

Sri DHIRENDRA NARAYAN MUKHERJI: Sir, I beg to move—

(1) that in recommendation B—

(i) after the words "certain set principles", the following words be added, namely,—

"on the lines of the recommendations of the Expert Committee";

(ii) for the words "and population" occurring after the word "collection" the following words be substituted, namely,—

"sufficient regard being had to the factor of population also and";

(2) after recommendation B, the following be inserted, namely,—

"C. That the minimum subventions payable to the needy provinces should be stated in the Constitution, any additional subvention being determined by the President on the basis of the result of an *ad hoc* enquiry for the first five years and thereafter on the recommendation of the Finance Commission";

(3) that recommendation C be renumbered D and the following words be added at the end of it, namely,—

"Besides discharging the functions given to it under Article 260 of the Draft Constitution it shall carry on continuous study and research and shall also examine and report on such applications for grants-in-aid from provinces as may be referred to it by the President from time to time".

The Hon'ble Sri NALINI RANJAN SARKER: Sir, let me say at the very outset that this motion is not of the nature of a technical amendment. It should be regarded as fundamental to the Provinces in the new constitutional set-up. It has a profound bearing not only on their budgetary position but also on the capacity of the Provinces for undertaking various developmental projects on a planned basis. In the federal constitution it is the Governments of the Provinces which will be mainly responsible for matters concerning the life of the masses. The success of the constitution itself will be measured by the success of the Provincial Governments in tackling the problems which fall within their scope.

I need hardly stress that the revenues of the country must be distributed in relation to the functions assigned to the Centre and the Provinces. In this matter the Drafting Committee have thought it proper to continue the arrangements provided for in the Constitution Act of 1935 for a period of five years. Even this Act recognised that the functions imposed on the Provinces were the most expensive as relating to agriculture, industries, education, public health, labour conditions, road communications, etc., and evidently on this ground the Act of 1935 provided for the distribution of certain tax proceeds between the Centre and the Provinces, as the Provincial revenues were far too inadequate for the expanding responsibilities of the Provinces.

In the context of our changed political condition, however, we have to consider the implications of the present arrangements from a slightly different angle. The cumulative effect of years of omissions and commissions in the past, provoking, as a natural reaction, an impatient claim for betterment of the living standards of the people almost in the wake of India's attainment of freedom, has come as a challenge not only to the Governments of provinces but to political stability. It is not enough to say that the functions of the provincial Governments are expensive. It is more to the point to realise that the responsibilities of the provinces are bound to grow from more to more for some years to come. If the provincial Governments are to meet these responsibilities in an effective manner at all, it is essential that the scheme of financial allocation should be so devised that it will ensure, first and foremost, a dependable minimum, and also provide for an elasticity for an assured increase in the shares of the provinces in divided revenues according as their development projects are implemented and their own resources are found inadequate to put them through. Such an arrangement is not only desirable but also quite feasible in view of the specific responsibilities undertaken by the Centre. The Centre shall be left with mainly three functions, viz., Defence, Foreign Affairs and Communication. Of these, communication is not only self-supporting but it contributes to the general revenues also. As for Defence and Foreign Affairs, in normal times expenditure on these heads is not likely to be as burdensome as it is often supposed to be, military exigencies like those of Hyderabad and Kashmir being passing phases. The bulk of the national debt has, of course, to be borne by the Centre.

The present financial arrangements reveal an obvious anomaly that while the expenditure of the Centre is, in respect of the subjects allocated, rather constant *vis-a-vis* the expenditure of the provinces, the elastic and expansive sources of revenue have been retained mostly in the hands of the Centre.

The Drafting Committee have pointed out in the footnote on the opening page of Part X of the Draft Constitution that their recommendation in favour of maintaining the *status quo* in the matter of distribution of revenues

for at least five years is based on consideration of the prevailing unstable conditions. In his forwarding letter to the Hon'ble President of the Constituent Assembly, the Chairman of the Drafting Committee has specifically drawn attention to this fact pointing out that on this point mainly the Drafting Committee did not adopt the recommendations of the Expert Finance Committee.

I do not underestimate the necessity of providing for unstable conditions, but the instability mentioned in this context bears, I feel, an objective scrutiny. The instability contemplated may be either political, financial or economic. Among these, political instability can be thought of only as a passing phase. Military exigencies like Hyderabad and Kashmir, as I have said already, are but passing phases and must not hold up our material progress for such a long period as five years. It is unnecessary to lay too much stress on these in deciding questions of long-period financial settlement. Economic stability is to be ensured by progressive economic measures, of which by far the largest number fall within the scope of Provincial Governments, such as those affecting agriculture, industry and living standards of the people. In a very real sense economic stability is conditioned by financial stability in so far as the successful implementation of the progressive measures backed by adequate resources, is concerned. Evidently, the objective cannot be attained by ensuring financial stability of the Centre alone. The financial stability of the Provinces is quite as important. I think it has a great significance for the provinces, particularly for the initial formative period of five years, when they are bound to be confronted with various social welfare and economic problems. Even the Act of 1935 started with a specific allocation of revenues between the Centre and the Provinces to give the latter an assured good start.

Besides, it is not strictly correct to say that the *status quo* under the Act of 1935 has been maintained. In some respects the arrangement under the Draft Constitution is worse. In the Government of India Act as adapted, the Government of India have taken large powers of making *ex parte* changes in the financial settlement which they did not have before. They have already exercised this power and changed the settlement very much adversely to this province in respect of two major sources of revenue, e.g., income-tax and jute duty.

Indeed, for the province of West Bengal the provision regarding maintenance of *status quo* has a different significance altogether in view of the recent *ex parte* decisions taken by the Government of India regarding allocations to this province from the proceeds of income-tax and jute duty. Under the Niemeyer Award the shares of both Undivided Bengal and Bombay in the income-tax revenue were fixed at 20 per cent. Persumably this was done on the basis of collection because the population of Bengal was almost thrice as big as that of Bombay. Following partition, the population of West Bengal has no doubt appreciably gone down, but it still remains higher than Bombay's, and in respect of collection, by far the largest proportion of the collections from undivided Bengal was accounted for by West Bengal. And, yet her share has been reduced by Government of India to 12 per cent., while Bombay's share has been raised to 21 per cent. We have lodged a strong protest with the Government of India on this point but it has elicited the usual reply that the decision cannot be changed. They have not given us any idea about the reasons for this decision. Again, in regard to the share of the jute duty the same *ex parte* decision has been taken by the Government of India, the result of which is that the Government of India will now have so much as 80 per cent. of the proceeds of the duty against their previous 37½ per cent.; while the distributable proportion of the duty in which, as a growing and manufacturing province West Bengal is particularly interested and which was previously 62½ per cent., for the various jute-growing provinces, has been

reduced to 20 per cent. The partition has no doubt deprived West Bengal of a considerable jute acreage of Indian Dominion, but the jute industry still remains within her area being practically concentrated in West Bengal and it appears that this important fact has not so far exercised any adequate influence over the decision on fresh allocation arrangements made by the Government of India.

Our experiences in some other matters also, in which the provinces are vitally interested, point to the necessity of a statutory allocation of revenues which are now subject to Central legislation under sections 137 and 140 of the Act of 1935. These provide for certain taxes like the Estate Duty of which proceeds are to go entirely to the provinces; and some others like excise and export duties distributable between the Centre and the provinces according to allocation schemes decided upon by the Central Legislature, in both cases the legislative authority being the Central Legislature. It must be well-known to you that among these two categories no action has been taken by the Central Legislature for levying any taxes of which the provinces are the exclusive beneficiaries; while for certain taxes belonging to the second category the necessary laws levying the tax are there, but no share has been given to the provinces. Both in regard to the determination of the proportion of the net proceeds of certain Central taxes payable to the provinces and also in regard to the distribution of the provincial share among the provinces, the Niemeyer Award held the field before partition. The Constitution cannot do more than provide for certain minimum proportion which must be paid to the provinces in view of their onerous and expensive functions. The remaining part of the responsibility of providing larger funds to the provinces, where it is possible, must devolve on the Government of India and it is necessary that they should perform this part of the task impartially and scientifically, both in regard to the amount of the contribution and its distribution among the provinces. The need for high level expert advice is clearly indicated in such a case. It is essential that under the new set-up an institution should be developed which should be a stabilising factor and should help in the task of holding the balance between the Centre and the provinces on the one hand and between the provinces themselves on the other. The Finance Commission should be such an institution. It should carry on continuous research so that it can accumulate a store of systematised statistics and knowledge on the basis of which it can do its task on a scientific manner. It should also examine and report on such applications for grants-in-aid from provinces as may be referred to it by the President.

In the absence of statistics and other relevant data, the settlement for the next five years must have to be based on broad judgment. During the operation of the first settlement, the Finance Commission should be able to collect sufficient statistics and other relevant data so that when a revision becomes due, it would be able to advise the Government on a scientific basis.

The Expert Committee appointed by the President of the Constituent Assembly analysed all these facts and circumstances very carefully and made certain recommendations. It recommended provisions of a statutory minimum in certain cases for the provinces, elaborated the need for a permanent Finance Commission and recommended as best a distribution for the first five years as could be made on the basis of broad judgment in the light of existing facts and past experience. The Committee was anxious that the provinces must know as definitely as possible their position during the next five years, which should be the most formative period in the history of the country, so that they could make their plans of development with some assurance of a minimum revenue. If the provinces are to depend upon the day-to-day munificence of the Central Government, it becomes difficult for them to plan ahead and proceed with their schemes of development.

In short, what the resolution contemplates is that there should be a statutory minimum provided for the Provinces out of some of the Central

taxes as recommended by the Expert Committee, and the distribution among the Provinces should depend neither on the Government of India solely nor on the Union Parliament; but on the order of the President on the lines of the recommendation of the Expert Committee during the first five years and, thereafter, on the recommendation of the Finance Commission.

With these preliminary observations, Sir, I recommend my motion for the acceptance of the House. I hope the House will give their unanimous support to this resolution irrespective of the parties and ideologies to which they might belong.

Sri JYOTI BASU: Mr. Speaker, Sir, I have carefully read the resolution which has been placed before us for our acceptance and the speech made by the Hon'ble Sri Nalini Ranjan Sarkar, and I have felt that he has been crying in the wilderness because the reply he has got from the India Government with regard to export duty on jute as he has just now told us will be the same reply with regard to this particular resolution when it reaches the Centre. It seems that in the main the Hon'ble Finance Minister of West Bengal has not understood the implications of this Draft Constitution which we are discussing. The Finance Minister is, I understand, a representative of Bengali business interests and does not have much interest outside West Bengal. Hence his fear as the fear of all Bengali business interests of complete domination by the Centre with regard to every matter connected with business, trade and industry as it has been provided for in this particular constitution. I think other Provincial Governments, other provincial businessmen not having business interests throughout India, i.e., the lesser businessmen will certainly agree with this resolution wholeheartedly, because they also have the same fear of domination by the Centre by bigger industrialists like the Birlas, the Tatas, the Dalmias, the Singhanias— the people who are, in fact, behind the Delhi Government, and the all-India Government which is ruling India today. The latter will certainly be happy about the provisions which have been made in this particular Draft Constitution, both with regard to the construction of new industries in the country and with regard to sharing out of the revenues because the centralised arrangement for all-India exploitation in the interests of this particular class of industrialists is in conformity with their interests, and that is exactly what has been provided for in the Draft Constitution of India. At the same time I should like to point out that it is not merely a question as has been sought to be raised in the resolution of proceeds of income-tax, excise duty, export duty on jute, so on and so forth. It will be seen that in the case as I have said of building up new industries in whatever field we go we find the hand of the Centre and the control has been kept by the Centre with them and not given to the provinces, and as has been pointed out in the speech of the Hon'ble Finance Minister that because of some instability in the situation in the country which the Centre fears that in section 306 it has been provided that for the next five years the Centre will have power to make laws with respect to trade and commerce within a State in, and the production, supply and distribution of, cotton and woollen textiles paper, iron, steel, etc., i.e., in fact, all industries basic or otherwise which go to make up the welfare of a particular province will be controlled by the Centre for the next five years. I should have thought that if there is economic instability or any other kind of instability in the country, then as has been rightly pointed out in the resolution the provinces should have been given more revenues by statutory laws, because as has been pointed out in paragraph 2 of the resolution enormous responsibilities developing on the provinces required them to be assured of a financial arrangement that will meet the needs of both stability and elasticity. But that is obviously not what the Centre thinks, because they feel that if this were to be given then it would be giving some sort of Provincial Autonomy in the economic field and if you do not give Provincial Autonomy in the political field then it is not possible—at the same time it would be contradictory—to give economic

control to the provinces. That is why the all-India capitalistic classes who are behind the Congress Government have kept this control among themselves. This of course is in clear violation of the Congress manifesto which talked about giving Provincial Autonomy in all fields to the provinces, but of course that is a different matter, because promises, it seems, are only made to be broken. All this is consistent with and logical to whatever has been provided for in the Draft Constitution as far as I can make out, although it may be undemocratic, authoritarian and totalitarian and based on the interests of some upper sections of the society, the growth and development of the provinces do not mean anything to these gentlemen, because they have decided that they must rule from Delhi through the Whip and concentration camps and lawless laws. Therefore the people are nowhere to be found in the picture, as far as the Draft Constitution is concerned. Therefore it is no use crying over the economic arrangements as they have been stated vaguely or otherwise in the Draft Constitution giving more powers to the Centre. I wonder that the Hon'ble Finance Minister did not touch on these points and on these aspects of the Draft Constitution. Otherwise he would have found out that what was suggested in this particular resolution was contradictory to what the Draft Constitution sets out to do for the Indian people and India as a whole.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Janab MUSHARRUFF HOSSAIN: I am sorry to hear from my friend the Finance Minister that the Central Government is not dealing fairly with this infant Province of their own creation in the first year of its life. Though an infant Province, it has a lot of problems which it has to tackle. The first and foremost of these is the effect of the partition of Bengal on production. On the one side, i.e., in this part of the old Bengal, it is more or less an arid zone, practically producing very little and on the other side, i.e., in East Bengal, all the fertile land of Bengal happens to be. And such a partition of the Province was decided upon by our leaders. We are now in an arid zone which does not produce enough food even for our small newly-created Province. Probably our friends in the Centre have no knowledge. If they had knowledge of the position of the present new Province of West Bengal, they would not have divided Bengal in the way they have done. However, as the Partition has come about and as we will have to be here, we have no other alternative now but to remain satisfied with our lot. But the real problem that is staring us in the face is the question of food. We have, as I have already said, an arid zone producing very little in West Bengal. We have now a population of 2 crores and a half to feed and of this about 90 lakhs—some say it is a crore—must be fed from outside. That is the greatest of all problems that we are faced with now. Sir, if the Government of India had knowledge of this, if they knew that an infant Province like this with a very small area will have to feed this one crore additional people, out of whom the Government of India practically takes away all the profit, the Government of India could have been fair to Bengal. I would not have spoken at all on this aspect of the question if I had not heard from my friend the Finance Minister that the Government of India is not showing that fairness which they ought to show to us. Before 1935 there was no question of feeding anybody in the country; the whole thing was being done by private people and now you have the Ration system for one crore of people—some say that it is 70 lakhs; it is a mistake; it is about a crore—and for one crore of people you have to find food and the difference in the price that you pay and that, you realise, will be about 7 to 8 crores of rupees. This money goes to increase the income of the Centre. All these additional people living here earn something and pay to the Centre only and nothing to the Government of West Bengal. The

income-tax, which is more than half the income of all the trade within the boundary of West Bengal, comes out of the labour population and those that are actually living in this area. Is it not the duty of those who are taking away all the profit from here to feed them? Why do you say that it should be done by the Province? This Province has not got enough money to feed her population when the income from income-tax is taken away by the Centre. It should be the Centre's duty to pay out of their income from income-tax, sufficient funds for feeding our population. The Centre distributes only 40 per cent. of such income among the Provinces and out of this 40 per cent. I understand only 12 per cent. which in other words comes to only 3 per cent. of the income derived from this Province, is paid to this Province. Is it fair? Do we not pay much more than other people who get 21 per cent. Their population is the same. They have got no new problem to think of. Their sources of income have remained the same; their sources of supply have remained the same. Still their quota comes to 21 per cent. whereas our quota is only 12 per cent. Why should it be like this? Why should we not expect fairness in the distribution of such things? That is the only point on which I wanted to speak. Of course there are other points of a minor nature on which I do not want to speak, but I agree with my friend the Finance Minister in all that he has said and I think his resolution should be carried unanimously.

Janab MD. KHUDA BUKHSH: On a point of order, Sir. May I ask if the Hon'ble the Finance Minister is going to speak on the same subject, i.e., has he got a right of reply?

Mr. SPEAKER: Yes, the Hon'ble Minister has got a right of reply.

The Hon'ble Sri NALINI RANJAN SARKER: Sir, I do not want to waste the time of the House. I only want to correct the statement which Mr. Jyoti Basu has made that the provincial businessmen will support it and the all-India businessmen will resist it. I do not think, Sir, he has understood at all the provisions of the plan that I have laid before the House. It only concerns the division of taxes between the Centre and the Provinces. Businessmen's interest is finished as soon as they pay the tax. It does not matter to them whether the Provinces get it or the Centre gets it. However, Sir, I am very happy that I had the honour and privilege of getting support for the first time today for a motion from this side of the House, from Mr. Jyoti Basu.

The motion of Sri Dhirendra Narayan Mukherji—

(*1*) that in recommendation B—

(*i*) after the words "certain set principles", the following words be added, namely:—

"on the lines of the recommendations of the Expert Committee",

(*ii*) for the words "and population" occurring after the word "collection", the following words be substituted, namely:—

"sufficient regard being had to the factor of population also and";

(*2*) after recommendation B, the following be inserted, namely:—

"C. That the minimum subventions payable to the needy Provinces should be stated in the Constitution, any additional subvention being determined by the President on the basis of the result of an *ad hoc* enquiry for the first five years and thereafter on the recommendation of the Finance Commission";

(3) that recommendation C be renumbered D and the following words be added at the end of it, namely:—

"Besides discharging the functions given to it under Article 260 of the Draft Constitution it shall carry on continuous study and research and shall also examine and report on such applications for grants-in-aid from Provinces, as may be referred to it by the President from time to time",

was then put and agreed to.

The motion of the Hon'ble Sri Nalini Ranjan Sarker as amended that this Assembly is of opinion that the scheme of allocation and distribution of revenues between the Union and the States proposed in Part X, Chapter I, of the Draft Constitution of India prepared by the Drafting Committee of the Constituent Assembly is fundamentally defective *inter alia* on the following grounds:—

(1) By providing that in some cases the distribution of certain revenues is to be determined by Parliament, while in others, e.g., Income-tax (Article 251), it is left entirely as a matter of discretion of the Union Government at least within the first five years, the scheme fails to ensure to the Provinces a fixity and certainty of revenues so essential for enabling them to meet their growing needs and responsibilities,

(2) The scheme reveals an imperfect appreciation of the fact that under the new constitutional set-up stability and adequacy of revenues is a matter of particular concern to the Provinces whose needs for the general development of the country and welfare services will be of a continually expanding nature, while the expenditure of the Centre with its responsibilities limited to Defence, Foreign Affairs and the service of the bulk of the National Debt should be normally stable (except during war), and further that the enormous responsibilities devolving on the Provinces required them to be assured of a financial arrangement that will meet the needs of both stability and elasticity,

(3) The scheme overlooks the fact that the first five years will constitute the most formative period of the history of the country when the Provinces will be hard put to the task of meeting expectations of the masses, and that any uncertainty in their resources which must seriously handicap their capacity for planned action is extremely undesirable,

and, accordingly, this Assembly recommends that the finance of the Provinces should be taken out of the uncertainties of the vote of the Dominion Parliament where such vote is contemplated and that the Provinces' share of the income-tax should be determined by a statutory provision instead of being made to depend from year to year on the consent and sanction of the Centre, and that the following changes in the scheme of distribution of revenues between the Union and the States be effected, namely:—

A. That the constitution should provide—

(i) that not less than 60 per cent of the net proceeds of income-tax including Corporation tax and the tax on Federal emoluments should go to the Provinces,

(ii) that not less than 50 per cent. of the net proceeds of the excise duty on tobacco should go to the Provinces,

(iii) that while the proceeds of all export duties should be retained by the Centre, there shall be paid to those Provinces which have been sharing for some time the net proceeds of the export duty on jute and jute goods with the Centre, grants of fixed assignments for a period of years, say, ten years,

(iv) that the whole or part of the net proceeds of any tax that m be levied by the Centre under the residuary powers shall distributed among the Provinces, the proportion to go to t Provinces being determined by law until altered by t President according to the advice of a Standing Finan Commission,

(v) that the net proceeds of any central tax on transactions in t Stock Exchanges and futures markets should not, like t net proceeds of centrally levied stamp duties, form part the revenues of the Union but shall form part of the revenu of the State in which the tax is collected.

B. That the manner in which shares of centrally levied taxes to distributed to the various Provinces should be determined b the President by certain set principles on the lines of th recommendations of the Expert Committee such that in the ca of Income-tax the principal consideration should be the bas of collection, sufficient regard being had to the factor of popul tion also and a fraction being set apart for mitigation of hard ship to individual Provinces; that in respect of succession an Estate Duties the main determining principle should be th location in the case of real property and in case of oth properties the residence of the deceased primarily and als population, and that in the case of Excise Duty on Tobacco th principle of distribution should be based mainly on estimate consumption in a particular area

C. That the minimum subventions payable to the needy Province should be stated in the Constitution, any additional subventio being determined by the President on the basis of the result o an *ad hoc* enquiry for the first five years and thereafter on th recommendation of the Finance Commission;

D. That the Finance Commission as contemplated in Article 26 should be an expert body commanding public confidence an should be appointed as soon as possible and should be a perma nent body. Besides discharging the functions given to it unde Article 260 of the Draft Constitution, it shall carry on continuou study and research and shall also examine and report on suc applications for grants-in-aid from Provinces as may be referre to it by the President from time to time;

was then put and agreed to.

Article 292.

Janab ABUL HASHEM: Sir, I beg to move that this Assembly is o opinion that in clause (*a*) of Article 292 in Part XIV (Special Provisions relating to Minorities) of the Draft Constitution of India the words "the Muslim community" be omitted.

Sir, I move this resolution fully conscious of its fate, particularly after we have seen how a unanimous demand of the Muslims of West Bengal expressed through their accredited representatives in this Assembly regarding protection of their personal laws was rejected by the Congress party in this chamber. Sir, in course of general discussion the point that I have raised in my resolution was discussed in some details. Then one of our esteemed friends, Sri Jogesh Chandra Gupta, found unworthy motives behind our move and another esteemed friend Sri Niharendu Dutt-Mazumdar characterised our stand as a swan-song. Sir, we very much appreciate the anxiety of our Pakistani friends in so far as giving reservations for us here in the Indian Dominion because they themselves want some sort of separate electorate in Pakistan for themselves. Sir, I have already said in my general discussion that my present attitude is due entirely to the changed

political circumstances. Politics, Sir, is not religion: It changes with changing political conditions. My friend Mr. Niharendu Dutt-Mazumdar expressed his surprise when he found me supporting unadulterated joint electorate as I had the honour to be the General Secretary of the Bengal Provincial Muslim League. My friend perhaps is not aware that the very basis of Muslim League demand for the partition of India was the theory that the minority cannot be adequately protected by any measure in a system of democratic government where the will of the majority is ultimately bound to prevail. I feel and I think—I hope my friends also will realise now—that I am perfectly consistent in my stand when I now support unadulterated joint electorate because I feel that in the present circumstances Muslim interests as such cannot be protected by any measure as it will have ultimately to depend on the goodwill of the majority. Sir, in this respect we Muslims amongst ourselves, as you will find presently, have honest difference of opinion. some of us feel that straightaway going for unadulterated joint electorate at this stage will be a very, very risky experiment Personally I feel, Sir, that it involves no risk at all because, Sir, in a system of election where there is reservation without rights to countergenerosity, in the first place these communities—be they the Muslim community or the Scheduled Castes or the Sikhs or any other community are going to be reduced to a perpetual statutory minority So in the present circumstances personally I do not like to be reduced to that position That does not give me any benefit, on the contrary it does me infinite harm In a system of separate electorate at least each community get an opportunity to send their own representatives according to their exclusive choice Under the present system that is proposed in the Draft Constitution a Muslim—particularly because the Muslims are a minority candidate for election can come out successful against another who may have cent per cent Muslim votes in his favour, if he gets one hundred per cent support of the other community. Therefore I have my genuine doubt I may be wrong and my friends who may disagree with me may be right—but I feel honestly that in a system of reservation of seats only the Muslims will not be in a position to send their own representative according to their own exclusive choice So in this system the Muslims will not get the benefit that is there in the separate electorate Of course, separate electorate has its flaws also. So since this question does not arise I do not want to drag it again here. So, Sir, I feel that in supporting unadulterated joint electorate there is absolutely no risk.

Besides, Sir, as I already placed before you in my general discussion, we have had opportunity to make experiments with reservation and separate electorate and the consequences of these experiments are too well known to us. The Congress always supported and propagated unadulterated joint electorate. Now that the Congress are in power, they are in a position to experiment on their own political ideology in this respect, and so personally I and those who agree with me have honestly decided to give them this opportunity to make experiment on their own theory, particularly when we are in this enviable position that by this experiment we are not going to lose much.

Sir, the Congress Party was very, very generous in making promises, but, as my friend Mr. Jyoti Basu points out to us times without number, the Congress do not care much to redeem their promises when they are in a position to do so.

In this stand for reservation for the Muslims, Scheduled Castes and Sikhs I do not apprehend any danger from the Muslims because the Muslims are already a very small minority When I recall to my memory the past development in the politics of India, I find that reservation was given to the Muslims and, as in the very nature of reservation, it did not satisfy the Muslims. From reservation they jumped to separate electorate and they thought that in separate electorate they would be secure. Separate electorate was experimented. That did not satisfy them. Even in separate

electorate the Muslims of India, 10 crores as they were, did not feel comfortable and secure and as a logical consequence of this change, they ultimately came to the 1940 Resolution of Lahore of the All-India Muslim League. This kind of development is not apprehended from the Muslim side because they are already in a very small minority nothing can help them. But I apprehended that others are there—bigger communities who are numerically really stronger than any individual community of India. There I apprehend the same history may repeat. They may not be satisfied —other communities numerically stronger, getting reservation, may not be satisfied with reservation any longer and they may demand seprate electorate for themselves. When they find that by reservation they will not be in a position to send their own representatives, and from separate electorate other things may also arise and ultimately may lead to disruption and chaos. This apprehension is a genuine apprehension in my mind. Therefore, I would warn the Congress that they are really sowing the seed of discord and disruption. But, Sir, if the Congress have decided to follow the example of the white master whom I can see distinctly actively engaged behind this scheme and taking interest in the affairs of India and my Congress friends cannot see, if they have decided to follow their example and to adopt the policy of divide and rule, reducing every other community to a statutory minority and, by so doing, completely going on with their domination, in that case, Sir, I have nothing to say. But, Sir, if really it is the desire of the Congress Party to create harmony and unity in India, in that case they should not favour this reservation of seats.

Sir, I in my resolution have not made any suggestion to do away with reservation so far as the Scheduled Castes, Sikhs and others are concerned. It is their job to decide for themselves. If my resolution is accepted, in that case the net result will be that the Mussalmans will have no reservation, while others will continue to enjoy that reservation. It is not in the interest of the Mussalmans themselves, as I feel it, that there should be any sense of difference between a Mussalman and a Hindu in matters political. So, Sir, we have decided to demand from the Congress and our Hindu friends opportunity to identify ourselves completely with the rest of India in matters political and on this principle I have placed this resolution because reservation does not give me any effective benefit but, at the same time, it does me infinite harm inasmuch as it creates a sense of difference between a Hindu and a Mussalman which may ultimately lead to many difficulties for the Mussalmans. Therefore, Sir, without any ulterior motive or unworthy motive, in our calm and considered judgment, we have decided to take this stand and so, with these words I place this resolution before this House for its consideration, acceptance or rejection, whatever it likes. Since the proceedings of this Assembly will be forwarded to the actual framers of the Constitution through you, Sir, I have moved this resolution particularly to ventilate my demand and to place my case to those actual framers of the Constitution through you because I do not know—even our Congress leaders sitting here have themselves expressed doubts—whether the actual framers of the Constitution will give any consideration to our unanimous demand in this House or not. So, Sir, for whatever it is worth, I have placed this resolution for drawing the attention of the actual framers of the Constitution through you. With these words I commend my motion for the consideration of this House.

Janab MUDASSIR HOSSAIN: Mr. Speaker, Sir, I beg to oppose this amendment with all the vehemence and emphasis that I can command. In my humble opinion, it is the most mischievous proposal that has ever been tabled in this House. It is a mad proposal and is the result of confused thought and unbalanced judgment. It is against all principles of constitution-making. It ill-suits the opinions of persons who were the protagonists of separate electorate, partition and such like things for the protection and preservation of Muslim interests. This proposal exactly reminds me of the

Bengali adage " ভূতের মুখে রাম নাম " (laughter). The genuine and *bona fide* Congress and Muslim leaders after the Britishers have left India to its fate in their speeches and public utterances have said more than once that it is their aim, it is their ambition to weld together the entire mass, the entire population into one whole, into one homogeneous population pulsating with the same aspirations, same enthusiasm and a sense of co-operation and sense of nationalism, so that there will not be any majority or minority. The fear of being dominated by the majority will vanish in thin air. Sir, I am one of those who believe and who have faith in these utterances of our leaders. It is said in the Koran that he who has no faith in the divine mercy is infidel and is a damned and doomed creature. This millenium may be distant, may be far away or it may not come at all, but it is our duty and it is *fard* (compulsory) on us to work for it. Islam is not a religion but it is a creed of universalism, it is a creed of internationalism, it is a creed of universal brotherhood. Its symbol is God Himself which again is the symbol of universalism. It has no thousand gods and goddesses to whom the Muslims are required to worship and swear allegiance. There is no distinction of colour or race or lineage. No one is supposed to be superior to another. It has been said in the Koran that those who claim superiority in lineage will not be allowed to do so or be recognised. Only those are superior in the eye of God and Islam who have dedicated themselves to the service of His creatures (not only humanity). He is the *Rabbi Alamin*—meaning creator, developer, and sustainer of all the *alams*, that is to say, universe. As opposed to this Hinduism is exclusive. It can't tolerate the existence of any other universalism. It is for this reason that Buddhism which is one of the most catholic world religions was driven away from the land of its birth by Hindu heroes——.

Mr. SPEAKER: Order, order.

Sri JYOTI BASU: Sir, is it a lecture of comparative religion?

Janab MUDASSIR HOSSAIN: Yes, it is, Sir. Why reservation is necessary? You say about comparison. You the Communists won't understand. You understand distribution of properties.

Mr. SPEAKER: Order, order. You please finish your speech; otherwise your time will be up very soon.

Janab MUDASSIR HOSSAIN: No, Sir, I shall require a little more time. Kindly allow me that, because this is a most important question. As I was saying, Sir, it is for this reason that Buddhism which is one of the most catholic world religions was driven away from the land of its birth by Hindu heroes like Sankaracharya and the orthodox Hinduism was revived. There are Sankaracharyas, Savarkars, there are Nathuram Godses and host of others in our midst.

Sri JYOTI BASU: Sir, is it parliamentary to compare Nathuram Godse with Sankaracharya?

Mr. SPEAKER: No: I don't think it should be done. Please come to your point.

Janab MUDASSIR HOSSAIN: Yes, he is a Hindu hero.

Mr. SPEAKER: Order, order: the honourable member should remember that the case is *sub-judice*. You cannot say anything about Nathuram Godse. Please come to the subject matter under discussion.

Janab MUDASSIR HOSSAIN: All right, Sir. They are crushing the universalists like Muslims out of existence. Mahatma Gandhiji said in one of his speeches that perhaps these protagonists of Hindu State are in majority and the genuine Congressmen at the moment are in minority, but he said that the genuine Congressmen

ultimately will be in majority and will prevail over the protagonists of Hindu State. Sir, I have every faith in the utterances of Mahatma and I mean to follow him till my last breath. Sir, the only way to drive away Hindu exclusiveness and intolerance of the existence of other communities is to ban caste system, to ban untouchability, to introduce inter-marriage and other social intercourse between different communities, to ban social discrimination, and unless and until this is done, there can be no merger of entire population, and, Sir, you must admit that this safeguard for minorities must remain and provisions must be made for the same in the Constitution itself. Not only that, if the Congress really mean well of the country, if they are really patriotic, provision must be made in the Constitution for giving these minorities their due share in the Cabinet, in the administration, in the police, in the defence of the country, to make them feel that they are really being treated not as suspects, but as citizens of the country. If this be done, I can assure you, Sir, they will give good account of themselves and fight anybody and everybody and lay down their lives for the country. Even at the present time instances are not wanting where they have laid down their lives, namely, Brigadier Usman, Habildar Ibrahim and host of others have laid down their lives for Indian Union at Kashmir. They will surpass others. General Rajendra Singhji, our Commander, said that the Liberation Army marching on Hyderabad consists of Hindus and Muslims. So it is not a communal affair. Pandit Nehru on October 2, 1947, in the course of a speech delivered in Delhi said: "The demand for a Hindu State was not only stupid and mediæval but Fascist in character. Those who put forth such ideas would have the same fate as Hitler and Mussolini". As against this we have the authority of Mrs. Sarojini Naidu, one of our greatest leaders and a pride of the womanhood of India. She said "the boot of history is now in the other leg. We are now heading for a new synthesis in the culture of U.P. in which Hindu culture will be the dominant partner. And now the resurgent culture of those who possess 86 per cent. votes of the U.P. is inevitably becoming the culture of the State (mark the word State) So it was that saffron robed *pandits* chanted Vedic hymns from the various corners of the Darbar Hall in U.P.'s Government House as the clock struck 12 on the night of August 14." The poetic vision of Her Excellency Mrs. Sarojini Naidu has thus caught sight of a historical phenomenon which missed the sceptical philosophic view of Pandit Nehru, the Indian Premier. The nightingale of India admits in clear language the spirit of Hindu revivalism lurking behind the so-called national movement in India. She says "when in the later twenties, the tempo of freedom struggle slowed down, the latent antagonism of the two revivalisms yoked to the national chariot came to the surface and they broke apart. Then suddenly the non-co-operation movement burst on the Indian scene like a mighty storm. Indian nationalism adopted the culture and symbols of the community which predominantly manned its anti-British struggle in various parts of India". This shows in distinct and bright outlines and colour the grim reality of Hindu determination to subjugate Muslim culture and if possible even to crush it. Therefore it is proved beyond a shadow of doubt about the deep association of Congress freedom movement with Hindu revival spirit. But leaders like Pandit Nehru and others are out for liquidating this demand for a Hindu State. It is these persons who possess the breadth of vision, breadth of heart, love for all and sundry who live in this vast Sub-Continent, have, in their wisdom and sagacity in order to save the Muslims from being subjugated and crushed, made provisions for safeguarding the interests of Muslims and other minorities in face of the overwhelming opposition of reactionaries and protagonists of Hindu State, Hindu culture and Hindu domination. I for one express our heartfelt gratitude for making this provision. Those among the Muslims who oppose this safeguard are playing with fire and have fallen victim of the machinations and wiles of persons who do not mean well of the community. It will bring misery and helplessness and ruin upon the Muslims on the basis of joint electorate so that

they will be representative of everybody just as those who will be elected from the General Constituency. They may join anybody and form the majority party and therefore there is no sense in the objection. *Allah Ho Akbar*, *Jai Hind*, Mahatma Gandhi *Ki Jai*, Pandit Jawaharlal Nehru *Ki Jai*, Sri Chakravarty Rajagopalachari *Ki Jai*, Sri Kailas Nath Katju *Ki Jai*, Sri Bidhan Chandra *Ki Jai*, Sri Kiron Sankar *Ki Jai*, Sri Nalini Ranjan Sarkar *Ki Jai*, Dr. Prafulla Chandra Ghosh *Ki Jai*, the satellite Ministers and Secretaries *Ki Jai* and last but not least our Parishad pal Iswar Das *Ki Jai*. He is really an Iswar Das. I believe in all these great personages and I have faith in them. They are truly great and well-meaning though there is the risk of their being misled by other fanatic Hindu Mahasabhites with whom they are deeply associated. Let us pray together that they may succeed in keeping under control their friends and associates, the fanatical representatives of Sri Sankaracharya and ultimately prevail upon them as was said by Mahatma Gandhi. But I warn our leaders that if instead of prevailing upon them they be prevailed upon by such Sankaracharyas then woe to them and woe to the country. India will go the way of China and India will relapse into its inherent stupidity of being ruled by বড় বুড়ো কর্ত্তা. Rajas and Maharajas will fragment into pieces and will be a prey to invasion and violence and fury will reign supreme.

Janab MD. KHUDA BUKHSH: Sir, I rise to support the resolution moved by Janab Hashem Sahib. Sir, I shall perhaps again be accused of uttering the name of "*Ram*" and I shall probably be styled as a "*bhut*". Sir, the mover of the resolution told the House that there is a very honest and sincere difference of opinion on this subject. Sir, we the persons speaking for the resolution represent a school of thought, represent an angle of vision, and persons who will now be speaking against this resolution will represent another angle of vision. Sir, what we are doing now will not be apparent to us, will not be known to us in one or two or even ten years. Sir, what we do today will be reflected on the political activities of posterity. So, Sir, I for one have an open mind and I am convinced that there should be no reservation and I shall presently adduce some additional reasons why this reservation should go. Sir, this demand for reservation emanates from those mentally inferior people who suffer from a fear complex that because of no reservation the Muslims will not get any representation in this House. Sir, Muslims are a minority. What is the use of shutting our eyes against facts? We are a minority in the Indian Union and, Sir, again to refer to "*Bhooter Mukhe Ram nam*", I will say yes, the Muslim League in India prayed for separate electorate, prayed and fought for the partition of the country. Sir, they might have felt in those days that there was a genuine need for securing the interests of the Muslims in India in that manner. Sir, whether the Muslim League politics has won or failed by securing the partition of India, creating a homeland for the Muslims of India, it is not for me to say here. Again we shall have to wait for the judgment of history for it. Now, Sir, whatever communal politics we had had to take to in India before the partition was done for securing Muslim interests. Now that India has been partitioned, there is no need, Sir, for communal politics in the Indian Union. Sir, why then should we be termed a religious minority living in the Indian Union? Sir, there are minorities and minorities. I would much rather prefer to be a political minority as I am. Why keep up communal politics in the altered circumstances of India today after partition by keeping up reservation? Reservation, Sir, is bound to keep alive communal politics in some shape or other which is detrimental to the ultimate interests of the Muslims in the Indian Union, who have adopted the Indian Union their home and who want that their posterity should also live in conditions that we prefer today should be ideal and stable for them. Sir, this reservation is proposed for only a period of 10 years and no more. Sir, it is in the very nature of things and it is said so in the Constitution that this is an experiment. As I have said

during the general discussion of the Draft Constitution we have already experimented on the merits or on the good that will occur from joint or separate or any other form of election. Now that we have to remain and accept the position of a minority, Sir, we prefer that this question of religion should not be introduced in our political relations of one with the other As I said I am one for teaching the Muslims in the new set up of the country. Today after the partition of the country has been effected and after we have decided to stay on in the Indian Union, the Muslims should, from today onward, be taught to regard themselves as Indians first and everything else afterwards.

Reverting to the argument of my friend Janab Badrudduja that one can be an Indian, one can be a Muslim and one can be a father or a son in his various relations with the various people. But I only want to make this distinction that in politics I am an Indian and in religion I am a Muslim Sir, you have seen that for the preservation of my personal laws as a Muslim, I have fought tooth and nail. Sir, we have been defeated in this House on this point, but, Sir, we shall organise public opinion and I shall continue to fight tooth and nail for the preservation of personal laws of a Muslim in the Indian Union when we have been guaranteed in the Draft Constitution the right to live as a Muslim and to practice and profess my religion Though, Sir, I have been defeated in this House on this score, I shall have more scope outside the House to organise Muslim opinion in this behalf and I shall fight for the preservation of Muslim rights But politically I shall merge myself with any other Indian; politically there should be no difference between myself and any other citizen To be otherwise will do me no good.

Now, Sir, here there is another thing, i.e., the negative aspect of the question which has been raised. Those people who are fighting for reservation feel that some Muslims should be there in the different Houses of the different Legislatures to represent their viewpoints, to fight for them or if they cannot fight for them at least to register a protest against the actions of the majority. As I have said, already Sir, in the ultimate analysis, it is on the majority that we shall have to depend for our own protection and for the protection of our rights, whether in religion or in other fields of human life and in all spheres we shall have to get their protection and their co-operation. Why then label ourselves as a minority? If the majority is bent upon to ride roughshod over our sentiments and our feelings and our religion, they can and will certainly do so. In the present atmosphere of communal bitterness permeating and pervading the entire fabric of society, it is possible that Hindus as a class may not be willing to listen to our viewpoint or see to the point of any other school of thought. It may be possible, but with the Congress in power I hope that it will not be so. Perhaps it is to meet such an eventuality that some members want reservation for them to protect or guard themselves against it, but my point is, if the Hindus are bent on demolishing our rights, bent on crushing the Muslims under feet, trample them under feet, how can a few members in the Legislatures in the provinces or in the Parliament in the Centre make their opinion felt? If the Hindus, i.e., the majority in India, are bent on not protecting the rights of or not looking after the minorities, how can a few Muslim members possibly and effectively safeguard the Muslim interests with only reservation?

On the other hand, Sir, that is the positive aspect of the question. Supposing under joint electorate with the bitterness of communal feeling in the country and with the thumping majority of Hindu votes they do not send a single Muslim representative to the House, what happens then? Then, Sir, it will be the moral responsibility as well as the actual responsibility of the Hindus to defend and protect the rights of the Muslims. With a few Muslim members sitting in the House it makes no difference. They must get the co-operation of the Hindus, but without any single Muslim in the

House it becomes not only their moral responsibility but in all canons it becomes their responsibility to protect the Muslim minority. How does the Muslim minority stand to gain by getting a few Muslims smuggled into the House through the back door of joint electorate with reservation? It does not benefit the Muslims in any way.

With these words, Sir, I support the resolution moved by Janab Abul Hashem.

Janab SYED BADRUDDUJA: Mr. Speaker, Sir, I rise to oppose the motion moved by my honourable friend, Mr. Abul Hashim. In the course of the general discussion on the draft Constitution I indicated my reaction to this proposal for joint electorate with reservation of seats. I think there would have been no further necessity for joining issue with my friends over there, but for the most unrealistic approach to the problem of representation of minorities. My friend, Mr Abul Hashim contradicts himself at the outset where he says that we have to depend on the goodwill of the majority, but we need not, he says, accept the provision for reservation of seats for minorities and need not respond to the generous gesture of the majority. Sir, we are grateful to the framers of the Constitution that they do not live in a fools' paradise They have got a grasp of the realities of the entire situation Whenever in the past any attempt at constitution-framing had been made, the communal bubble always burst revealing to the world the most combustible substance of zonal hatred and antagonism that lay beneath the apparently calm political surface of India and that political surface, thanks to partition, thanks to the scheme of fragmentation of India, has been all the more disturbed all the more agitated, all the more poisoned, all the more vitiated, all the more corrupted. That man must be bold enough who ignores these realities of life and comes forward with a proposal which is inconsistent with the proposition that has been suggested by the Congress Mahatma Gandhi submitted a proposal in the Round Table Conference in 1931 in which he definitely formulated a scheme for joint electorate with reservation for Muslims in Assam, for Hindus in Sind, for Sikhs in the Punjab and reservation for Hindus and Muslims in all the other Provinces where they constitute less than 25 per cent. of the population He went still further and observed that the constituencies should be so framed, so determined that the minorities might be properly represented He went still further and said that there must be a non-party commission where Muslims and others should have adequate representation with due regard to the claims of the minorities He went still further and said that under no circumstances they would oppose the demands of the Muslims as formulated by no less a person than Mr Mohammed Ali Jinnah for the constitution of the separate province of Sind and introduction of reforms in the North-West Frontier Province and Baluchistan That was what the Congress represented That was what the Nationalist Muslims represented. I would refer my friend Mr Khuda Bukhsh to the proceedings of the meeting held in 1934 in Faridpur when those definite proposals were formulated by Nationalist Muslims Sir, human memories are short and the memories of my friends are shorter still otherwise they would have hesitated to plead for unadulterated joint electorate without any reservation at this stage. Sir, it is not we who have changed overnight. We have not departed from the policy and programme so long pursued. I do not wish to refer to their activities in the past whatever they may contend to-day, the fact remains that their scheme has failed miserably. It has failed to protect the minorities of India I therefore submit that the generous gesture that has come from other quarters must not be turned down. Mr. Hashem has said there are honest differences of opinion among us. I wish they were so. Sir, there is a flutter in the dovecots of reactionaries that they are fast losing their ground, and they can no longer retain their position or rehabilitate themselves in the affections of the Muslims far less in those of our Hindu brethren whose sympathies they have estranged by their short-sighted policy. The Muslims of India are fast shedding

their complex and rallying round the banner of men like Maulana Abul Kalam Azad and Pandit Jawaharlal Nehru. Sir, in the course of discussion among ourselves it was pointed out by some Muslim Leaguers what was the good of having Muslim representation in a Legislature if men like Mr. Syed Mahmud, Mr. Rafi Ahmed Kidwai, Maulana Abul Kalam Azad and Mr. Syed Muhammad Jan were returned. I told them that even through the system of separate electorate they could not always have the ideal specimen of humanity. Sir, as we all know the joint electorate has been tried and where it has been tried in the district boards, the local boards and in municipalities we have had good representation. In one of the biggest self-governing institutions like the Calcutta Corporation we have had through joint electorate men like Mr. A. K. Fazlul Huq, Mr. Abdul Momin, Dr. R. Ahmed, Mr. Muzibar Rahman, some of the finest specimens of the Muslims of Bengal Not till that atmosphere of goodwill is created, not till mutual trust and confidence is restored, not till we have been able to clear the dark atmosphere of the virus of communal poison that has filtered down into the masses I submit, Sir, that there is a necessity for safeguards. My friends say, what is the necessity of calling ourselves a communal or a religious party? I tell them that I am a Muslim, and that I am an Indian at the same time. But that does not take away from the fact that I belong to a minority community in India.

In the Charter of the League of Nations in the year 1919 President Wilson said, "Take the rights of minorities. Nothing, I venture to say, is more likely to disturb the peace of the world than the treatment which might in certain circumstances be meted out to minorities. And, therefore, if the great Powers are to guarantee the peace of the world in any sense is it unjust that they should be satisfied that proper and necessary guarantee has been given?" And he goes on further to say——(Janab MD KHUDA BUKHSH: That is out of date)——I will come to that later on. "And experience has shown that new provisions are necessary The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated Unfortunately, the races have been estranged by long years of bitter hostilities. It is believed that these populations will be more easily reconciled to their new position if they know that from the very beginning they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, materially help the reconciliation which all desire, and will indeed do much to prevent the necessity for their enforcement."

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Statement regarding the news on Hyderabad.

The Hon'ble Sri KIRAN SANKAR ROY: Mr. Speaker, the House may be interested to know the latest news on Hyderabad. With your permission, Sir, and with the permission of the House, I will read the message we have received. This is the first news from Madras:

"Mr Venkata Rao, Revenue Minister, Madras, announces in the House that our troops have reached the gates of Hyderabad. The present Hyderabad Cabinet headed by Mir Laik Ali has resigned. The Nizam in consultation with India's Agent-General, Mr. Munshi, is at present preparing the Surrender Deed. Mr. Rao adds that the news is from a reliable source."

There is subsequent news from New Delhi that the Nizam has ordered a cease fire at 5 o'clock this afternoon. The Nizam has also accepted the

resignation of the Council of Ministers. The broadcast which was made at 4-18 hours added that a message to this effect has been sent to the Governor-General of India. (Loud applause.) May I suggest that a congratulatory message be sent to the Governor-General of India and Armed Forces.

Shaik MOHAMAD RAFIQUE: May I request you and through you the Leader of the House that we should adjourn because we are very happy and it would be better if we adjourn now to enable us to give the latest news to our people in the city

The Hon'ble Sri KIRAN SANKAR ROY: We have no objection.

Mr. SPEAKER: I think a message should be sent from the House May I take it that it is the desire of the House that a message be sent.

(Cries of "yes", "yes".)

Sri JYOTI BASU: What exactly is the message? We would like it to be read out in the House before we send it.

Mr. SPEAKER: A message of congratulations The message would be drafted afterwards.

Sri JYOTI BASU: In that case we would like, at least I would like, to make a statement in this House before that message is sent out, if you would permit me.

The Hon'ble Sri KIRAN SANKAR ROY: We could certainly depend upon you to draft a proper message for the House

Mr. SPEAKER: Is it a matter for discussion? After all it is a news which the Hon'ble the Home Minister has conveyed to the House and I do not think it requires any discussion The only question is whether a message should be sent to the Prime Minister and a message to be conveyed to the Armed Forces.

Sri JYOTI BASU: Sir, the only thing I would like to state in this connection is that my doubts are whether this cease fire on both sides, if it is there, is on a deal by which the Nizam and the India Government have come to some sort of agreement over the heads of the people.

Mr. SPEAKER: I do not think we should go into the merits. The only question before us is that there has been a victory of the Indian forces. We are simply sending our congratulations

Sri J. C. GUPTA: When we are congratulating the people of Hyderabad there should not be any further discussion

Sri JYOTI BASU: I think, Sir, when you frame a resolution you should remember my point that we do not know as yet whether by this the people of Hyderabad will be happy when with the Nizam a deal has been entered into by the India Government.

Mr. SPEAKER: Order, order. The position is this. Are you associating with this message or you are not?

Sri JYOTI BASU: I do not know what the message is.

Mr. SPEAKER: The message has to be drafted. The message will be a congratulatory message. It will be drafted by me.

Sri JYOTI BASU: In that case would you allow me to speak for two or three minutes?

Janab SYED BADRUDDUJA: We have enough confidence in the Speaker who is the custodian of the conscience and the dignity of the House. We authorise you, Sir, on behalf of the entire House to draft the message.

Mr. SPEAKER: It will be a congratulatory message. I wholeheartedly associate myself with the message which is proposed to be sent and I believe that a message will be sent. So far as the adjournment of the House is concerned, I take it that that is the sense of the House. (Cries of "Yes, Sir; yes, Sir".) The House stands adjourned till 10-30 a.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 6-17 p.m. till 10-30 a.m. on Saturday, the 18th September, 1948, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Saturday, the 18th September, 1948, at 10-30 a.m.

Present:

Mr. Speaker (the Hon'ble SRI ISWAR DAS JALAN) in the Chair, 7 Hon'ble Ministers and 56 members.

Motions on Draft Constitution of India.

Janab SYED BADRUDDUJA: Mr Speaker, I was submitting yesterday that provisions for the protection of linguistic, religious and racial minorities had been made in the various treaties contracted after the greatest world war between the nations of Europe The first treaty was concluded between Germany and Poland in which there was a definite stipulation for the protection of minorities that differ in religion, race and culture. That principle was extended to Czechoslovakia That principle was further extended to other States of Eastern Europe—Servia, Roumania and Greece. The same principle was extended further to Turkey Similar provisions had also been made for the protection of minorities in Danzig. Throughout, Sir, that principle has been accepted by the great powers, because of the new settlement of boundaries, because of the new distribution of boundaries, because of annexation of territories to States that had been created out of the old States because of the most unsettled conditions that prevailed after the great war Exigencies of the situation demanded that there must be sufficient provision to meet the situation that was created after the Great War. My friend to the right is of opinion that the same conditions do not prevail in India today Sir, if the problem of transferred populations, if the problem of transferred minorities, if the problem of transferred people with different cultures, with different civilizations, with different ideologies, with different outlooks, with different angles of vision do not create a new problem, I do not understand what else creates this problem. Therefore statesmanship demands that minorities should not be absorbed or fused into homogenous wholes Statesmanship demands that there should be no elimination or assimilation of minorities. The process of elimination and assimilation of minorities should be abandoned in favour of co-operation and association not only in legislature but also in the administration, in every sphere of life, in every domain of life, in every field of activity, in the judiciary as much as in the executive, and the police That was the reason, that was the motive, that was the principle underlying the treaties of Europe It is not a mere idealistic view of the situation, it is not cheap political claptrap, it is not sentimental effusions, it is not this or that theory of political reconstruction that can solve the problem of minorities But it is by trying to adjust the conflicting interests, it is by trying to recognise the divergent claims, it is by trying to harmonize the different interests of the different civilizations, the different cultures, the different traditions, the different outlooks, the different angles of vision and different people differing in a variety of ways that this problem can be solved Statesmanship therefore demands that this should be accepted as the procedure all along the line. My friend Mr. Khuda Bukhsh is of opinion that those people who advocate reservation are labouring under fear complex or inferiority complex. I can assure my friend over there that long before he was politically born, in this very House we advocated coalition—not partition, not disintegration but coalition of all forces, mobilisation of all forces towards integration of all communities and nationalities in India. I have no fear complex; I can identify myself completely as a citizen of the Indian Union. But I am not speaking on

my behalf alone. I am speaking on behalf of the Muslims; I am speaking on behalf of the scheduled castes that live in India. I am thinking about the stability of the land, the political and social development of the country as a whole. Any theory that is not consistent with the different grades of development, with the different grades of intelligence, with the different exigencies that exist at the present moment will not be quite suitable in the circumstances that obtain in the country today. The framers of the Constitution rightly observed that if they did not provide for some sort of reservation at this stage there might be another commotion. Perhaps my friends over there who have been direct-actionists, who have been partitionists, who have been divisionists, who have been disintegrationists might again feel that the minorities have not been represented in the legislature and they might again feel the necessity for another agitation. In the past from 1909 down to 1935 there has been an agitation all through for reservation of seats even for the majority. I do not know whether it has been tried out or not. My friend Janab Abul Hashem was contradicting himself yesterday when he said that proper representatives of the Muslims would be able to be returned through joint electorate with reservation of seats. How can he say so? Will he search his heart and say if proper representatives of the Muslims cannot be returned through joint electorate through reservation of seats how can then proper representatives be returned without reservation of seats? Perhaps he thinks that while cultivating the good will of the majority, not the type of Abul Hashem, not the type of the other great gentlemen who have for the last ten years played a significant role in moulding the destinies of the Muslim community—will not be returned; but the type of Abul Kalam Azad, the type of Rafi Ahmed Kidwai, the type of Syed Mahmud, the type of Fazlul Huq, the type of Nausher Ali might be returned by joint electorate. That is the danger, the fear, the alarm, the apprehension which has obsessed them It is this fear complex from which they are suffering. Sir, I have no fear; I have no apprehension; I can go and identify myself as an integral part of the Indian nation. The Muslims in India are fast realising their error, the Muslims in India are fast shedding their complex, the Muslims in India are fast learning to follow their nationalistic leaders who had a vision of the future and who could forecast the danger ahead. The Muslims in India feel that at this stage we should ask my friends over there to leave the Muslims alone and not disturb them any longer Sufficient unto the evil thereof! In the past they have been lured into dangerous paths and into paths which led to the disintegration of the country. My friends should realise that it is time they should be allowed to collect their thoughts. I am opposed to joint electorate without reservation of seats, simply because it is unnatural, simply because it is unreal, simply because it fails to take a quick grasp of the realities of life, simply because it does not take note of the unsettled conditions of the Muslims in the country, simply because passions and prejudices have already been aroused, simply because the atmosphere has been poisoned by communal jealousies and passions for the last 10 or 12 years, simply because the greatest Indian of the day had to be burnt at the flame of communal jealousies and passions in order to restore communal balance and harmony. The present conditions of the country, the difficult situation in the country, the present exigencies, the difficulty and complexities of the administration demand that all classes and communities should be adequately represented. That is the position in which we have been placed at the present moment. My friend Mr. Abdur Rahman Siddiqi observed the other day .... The modern constitution of India will be like a rainbow; it will be a rainbow with so many colours. The Muslim will have a colour of his own and the Hindu will have a colour of his own. If religiously we are Muslims, politically we will be Muslims but if we join the Congress, if the Muslims of India join the Congress to-morrow, if through joint electorate we can pull our weight and voice our opinions in the Counsels of Congress I do not see any reason why the best type of Muslims will not be represented. If we do not join the Congress, even we can join another non-communal

organisation of the country and through that organisation we can have our voice felt. Reservation or no reservation, that which counts most is the method of representation and the voters of the country. We will have to knock at the doors of Hindus and Muslims alike. Even men like Sri Kiron Sankar Roy and men like Dr. Pratulla Chandra Ghosh and men like Pandit Jawaharlal Nehru and the biggest and the most eminent among them will have to go to the Muslim voters to seek their suffrage before they are returned. So joint electorate has come to say Reservation of seats is provided for for the time being only. If the Statesmen of Europe, if the leaders of public opinion in Europe, if great men like President Wilson, men like Masaryk and Macartney and other Statesmen of Europe had to come to the conclusion, in the conditions prevailing after the Great War, that it was necessary that there must be safeguards for the protection of the religious and racial minorities in Europe, I do not see any reason why our friends over here will not agree to that As a matter of fact the late President of Czechoslovakia, Mr. Masaryk, went so far as to suggest that the rights of minorities should be protected in such a way in a democracy that the majorities have got to learn the languages of the minorities and the minorities have got to learn the language of the majority, *i.e.*, the State language. He said further that in that constitution the Germans who constituted a minority of 23 per cent in Czechoslovakia it must be a self-evident principle, laid down in the Constitution, that there must be a German Minister associated with the administration He went a step further and said that in a Democracy those who lived in the land, those who believed in the policy of the State and the State itself had every right to be represented in the administration, represented in the Legislature according to the numbers that they represented In the Hungarian Constitution in the year 1919 it was laid down by a decree that the minorities should be represented as far as possible according to their numbers in the Legislature. There was a tendency in Europe after the 1st Great War to associate the minorities in every possible shape and form not only in the Legislatures but also in the Administration in every form and shape That was the position in Europe and I do not see any reason why my friends over there in this House are alarmed at the present moment when there is some chance of representation for Muslims That is the only way of getting some representation for the Muslims If not tomorrow the Muslims will cease to exercise any voice in the administration of the country. To-morrow when the Muslims will go unrepresented in this Legislature there will be a hue and cry by those very gentlemen who to-day advocate abolition of reservation, by those very gentlemen who for the last ten years were goading the Muslim masses to press for Muslim India and who were playing with their blood, who were playing with their sentiments, who were playing with their feelings, who were playing with their rights and liberties and privileges and those Muslim masses should not be hoodwinked any longer. Fortunately for us things are taking a new turn; fortunately we see signs on the wall for the better. My friend Mr Khooda Bux was referring to the verdict of history. I would ask him to read once more the verdict of history, in the decimation of male and female, Muslim and Hindu, population all over India, in the massacre of the innocent, verdict of history in the recent surrender of Hyderabad and the further difficulties and dangers that we are inviting; the verdict of history in the loss to the Pakistan Dominion which they fondled to their heart, which they embraced in their hearts, in the loss to the Pakistan Dominion of the best positions, the best monuments of Muslim culture, the best mausoleums, the centres of Muslim civilization and culture like Aligarh and Delhi, Agra, Lucknow and Ajmer and the best centres of trade, and commerce like Calcutta Bombay and Madras, the verdict of history is bisection and trisection of the largest Muslim population of India; verdict of history in relegating the Muslims of India to an inferior position for all time to come; verdict of history in raising the status of the majority and reducing the position of the minorities; verdict of history in the cruel betrayal of the unfortunate Muslims of India. Further

verdict is awaited. My friend over there incidentally remarked yesterday that they were pursuing communal politics in the past to serve communal interests. If they were pursuing for communal interests how are they changed "এক কথা শুনি আজি মরার মুখে।". Such a change overnight will naturally raise suspicion in the minds of the Congress leaders, will raise misgivings and doubts in the minds of the Congress Governments. It is all the regrettable that they even now claim to represent the Muslims. But have they taken the verdict of the Muslim masses for their proposal to abolish reservation of seats. (Janab Md. KHUDA BUKHSH: Have you taken the verdict of the masses?) Yes, I say in the name of the Muslims and I have ascertained the verdict of the Muslim electorate to this effect that they are not going to allow themselves to be played upon any longer, that they won't allow themselves to be used as pawns any longer in the political chessboard of the country. They will not allow themselves to be exploited by the forces that hitherto brought about the destruction and decimation of the population due to the communal politics that were being pursued in the past that led to the division of the country resulting in disintegration; they will not allow themselves to be utilised any longer for any such sinister purpose. My friends over there try to take a big jump, a swing of the pendulum from one side to the other, try to hobnob with our friends in power over there, but to their disappointment they will find that my Hindu friends are much too circumspect, much too cautious, much too politically conscious, much too shrewd to be cajoled, to be coaxed, to be wheedled and to be deluded to think that everything has changed overnight. I would appeal to my friends over there not to change so suddenly overnight. I am opposed to their proposal simply because it is against Muslim interests. I am opposed to their proposal because it takes no notice of the realities of life, that it has not taken a statesmanlike and dispassionate view of the problem of the whole situation. I am opposed to the proposal because at the present juncture that will stultify the Muslims, curb the rights of the Muslims, crush the Muslims, that will paralyse the Muslims, that will deprive the Muslims of their political and social privileges. We are grateful to Pandit Jawaharlal Nehru and the framers of the Constitution because they alone have seen through the game, they alone have the vision of the future. In the year 1946 when the Cabinet Mission scheme was being mooted, there was discussion after discussion and a proposal from the Congress that they were prepared to go the whole hog with them and even the grouping clause laid down that the majority decision should prevail and it should be provided for if India were to remain united. That proposal was turned down with the result that we are enjoying at the present moment! For the integrity of India, in the interest of India, for the solidarity of India, in the interest and stability of India, in the interest of a happier development of India, politically, socially, culturally and economically, we are prepared to close up our ranks but don't you give quarters to this move, this dangerous move, this sinister move. If you give no representation to the Muslims at this juncture that might be another ground for agitation, another ground for commotion against the powers that be in the land. I would ask my Muslim friends who have moved and supported this resolution, if they have changed their old outlook, their old angle of vision, to walk into the Congress, join the Congress in any number and strengthen the hands of the Congress and with the accumulated strength of the Muslims with their collective strength and experience, with their education, with their culture, with their political sagacity let them influence the decision of the Congress in their favour in any possible manner but at this critical juncture let them not press the resolution under discussion. The majority, I mean the Congress leaders and governments, will naturally look with suspicion on a move that comes from a coterie that has always resented, that has always resisted, that always opposed, always thwarted any move towards integration, towards the solution of the problems of India. With these few words, Sir, I would oppose the motion moved by my honourable friend Mr. Abul Hashem.

Shaik MOHAMAD RAFIQUE: Mr. Speaker, Sir, Janab Abul Hashem and Janab Khuda Bukhsh have exhaustively explained in detail why Muslims want joint electorate. I would not go into the reasons which have already been adduced.

Sir, I find that there is a tendency in this House to say things in a mutilated form to convince members. On the other day we heard an Hon'ble Minister reading and amplifying clause 35 of the Draft Constitution of India and saying things which were far beyond the intention of the framers of the Constitution. As a matter of fact, he did not even care to read the forwarding letter of the Chairman of the Drafting Committee, Dr. Ambedkar, even though his pointed attention was drawn to it. Today we find Janab Syed Badrudduja quoting from the speech of President Wilson of the first world war fame and saying that the rights of the minority were protected even by President Wilson after the first world war when the question of Poland arose. Conditions have materially changed after the two wars. There it was not the rights of the minority so far as the religious communities were concerned but of the minority states which were sought to be preserved. In order to suit his purpose he wanted to impress the House that even President Wilson wanted to preserve the right of the minority when the question of Poland arose. As a matter of fact, I find that in his sentimental speech he has practically supported our case. He has said that members sitting on this side have changed their front. Let us face facts. There was a time when the Muslims needed separate electorate and they had separate electorate. Later on when they found that their interest was not even then safeguarded properly, they asked for partition of the country and they had it. As a matter of fact, at that time they thought that the Muslims were a separate nation and they had their rights to claim a separate dominion. They wanted partition and they had it. Those who wanted to leave this country went to their small kingdom, but those of us who adopted India as their motherland realised that we have to merge ourselves with the majority community. Formerly when we had separate electorate we wanted to safeguard our interest against another community under the patronage of a third power. When you go to a court you want justice from a third man who sits as a judge, but you cannot seek justice from a man against whom you have a claim and since there is no way out you have to be on good terms to save your interest. At present as the Constitution stands there is only the Government of India and no second authority. The Government has declared that this will be a secular state consisting of all communities with equal rights and opportunities. If today we say that Muslims have special rights of representation it carries no sense. After securing a dominion for Muslims it does not lie with us to claim any special representation and safeguard. If they realise that the Muslim interests shall have to be safeguarded the Congress or any party can set up Muslim candidates from the party which will contest the election. My friend presumes that Congress will not set up any Muslim candidate and no Muslim will be returned. This is very uncharitable, because the Congress elected Maulana Abul Kalam Azad and Janab Rafi Ahmed Kidwai, as Cabinet Ministers. Did they have the support of the majority of the Muslims at that time? They were elected because they were staunch followers of that party and the Congress thought of the due shares of the Muslims. So it is not a question of majority and minority at all and it should not be a communal question. There was no question of reservation of one or two seats for Muslims on the Congress Cabinet. Even if the Congress members had not elected any one of the Muslims, we could not have grumbled because an overwhelming majority of the Muslims did not support the Congress. The fear that no Muslim will be returned is without any foundation. Sir, I have fought election under both the separate electorate system and under the joint electorate system too. In the Corporation of Calcutta we had a separate electorate before 1935, and in 1935 we had joint electorate with reservation of seats. When

I and Sri Prabhudayal Himmatsinka stood from Colootola Ward to oppose two other candidates we both suspected each other. When votes were counted there were 150 single votes cast in favour of Sri Prabhudayal Himmatsinka and 120 single votes cast in my favour though both of us canvassed together jointly. This system of reservation of seats was responsible for creating suspicion and misgivings. The result was that in place of cordiality suspicion grew in our minds. My honourable friend Janab Badrudduja said that under joint electorate Janab A. K. Fazlul Huq and Janab Abdul Momin were returned. What was the result? Just before the expiry of those three years of joint electorate with reservation of seats an agitation started by Janab A. K. Fazlul Huq and Momin and in 1936 Janab A. K. Fazlul Huq asked all Muslims to resign in protest against this system from the Corporation and boycott the Corporation election because he found that reservation under joint electorate did not safeguard the interest of the Muslims and the Muslims were not only isolated but were treated as untouchables. I do not understand why other people should judge our needs and requirements. If a referendum is to be taken, as Sri J. C. Gupta has suggested, I am prepared for it. Let the Muslims say whether they want one electorate or joint electorate with reservation of seats. There are members who would not like the reservation of seats. On a referendum being taken you will find that Muslims who have decided to live here and merge their lot with the Indian Union do not want any reservation of seats at all.

Dr. Mahmood, a Minister of Bihar Province and a prominent Congressman, suggested that in order to foster confidence and good relations after the bitterness of the past few years it would be better if we have one electorate with a certain percentage of votes which each candidate will have to secure from the minority community. Muslims or non-Muslims will have to ballot a certain percentage of votes in order to ensure their success. In a constituency if a candidate gets 20 per cent. of Muslim votes in a joint electorate, it will show that he enjoys the confidence of the Muslim community and *vice versa*. After all why should this question of minority be tagged to us for this period of ten years? If there was reservation of seats for all time to come there was some sense in it. By the time we realise how to adjust ourselves the reservation period will be over. This reservation of seats gives you no right to contest other seats. I would refer to the agenda of the Constituent Assembly. The rights as formerly suggested were that a member of the minority community who have reserved seats, shall also have the right to contest an unreserved seat as well. Those last three lines are no more in the Draft Constitution of India. So we shall have to be content with the seats reserved for us no more and no less and what would be the result during the next ten years? The result would be that there would be more bitterness, more jealousies and hatred among the two communities and by the time we emerge from it we will find that the Muslims are disintegrated. Sir, even if we have to suffer for five years and get no Muslim returned, which I doubt, we should try to merge ourselves with the majority community and help in the fostering of good relation and helping in the running of the administration peacefully. Janab Badrudduja has made in his speech a fact which will be apparent when he reads the manuscript of his speech.

Sir, coming to the question again of this reservation I should appeal to those who will be finally passing this Act to read our suggestions as well as those of the Muslim members of the other legislatures in India.

Madras does not want joint electorate. The Leader of the Muslim group said "If you are going to give us any right, we must have separate electorate for all time to come. If you cannot afford to give us that, we do not want this midway." This is because they were of opinion that this will not in any way solidify or preserve their culture. So, Sir, if the Government of India agrees to retain separate electorate, for all time to come, I can understand it.

The Hon'ble Sri KIRAN SANKAR ROY: Would you prefer that?

Shaik MOHAMAD RAFIQUE: I won't prefer that. I am just giving you their opinion. Once again if you agree to the principle of recognition of minorities' rights the very question of safeguarding the interests of the minorities will crop up and communal trouble will break up. Today if there is joint electorate with reservation of seats what will happen? We shall have to get the votes of the majority party to get ourselves elected and unless we can have the good wishes of the majority party, we cannot be returned. Now, take the cases of two constituencies one in which the Muslims are in a majority and the other in which the Muslims are in a minority. The constituency in which the Muslims are in a majority will return the candidates of their own choice, whereas a constituency in which the non-Muslims are in a majority will return the Muslim candidates who will get more non-Muslim votes. The result would be that when these two candidates are returned to the Legislature, there will be two parties one of those who have been returned with the majority of the Muslim votes and the other of those who have been returned with the majority of the non-Muslim votes. So, out of 19 or 20 in the House you shall have two groups of ten each fighting amongst themselves and resulting in more bitterness in the constituency and in the country. Instead of bringing them together and creating a friendly and non-communal atmosphere you will be creating disruption not only among the Muslim community but between Muslims and non-Muslims. You will be playing practically the same role as your previous masters have played—divide and rule. It is true that perhaps our opinion will not count with the Constituent Assembly it does not count. What you want will be done, but you will be doing harm not only to our community but to yours also. You apprehend that if the Muslim unite, they will create trouble and side with other political parties in the country. It is outrageous if I do not want a thing, why thrust it upon me. (Sri JYOTI BASU: You are not united.) We are not united I know, but we shall not remain disunited for all time to come unless machineries are created to disunite us. Today it will be just and fair to say that we do not represent anybody—neither you nor we. The true representatives will be those who will be returned in the next election and it will be they who have a right to frame a constitution for India. We are here just because after the 15th August we were in these seats. In the new shape of things to come perhaps majority of us will not be returned. Many of those who have been changing allegiance from one party to another party will never be returned in spite of their best efforts to please the Congress by their acrobatic feats. People are not fools as they used to be. Persons who join one party today and another party tomorrow will have no place in the legislature of the future. I am not anxious to be returned to this House again. Because I am not a professional legislator in that sense. I think the time has come, and circumstances have so changed that we should think how we can carry on our affairs to the best interest of our community. If we want to live in this land, if we want to make it great, if we think that our lot is cast with it then we have to think in terms of its greatness. We have to devise means by which we can merge and we can achieve our object. It is for this reason that I think the Muslims should not claim any reservation now. The purpose for which they wanted reservation is over.

It is surprising that many honourable members belonging to Congress have strongly condemned reservation of seats for Muslim but they are not in their seats today to vote against it. Dr. Ghosh—he is not here in his speech, if I remember aright, he said that seats should not be reserved for Muslim or for any other minority. I am not concerned with other minorities, but if he sincerely believes that, he should have been here to influence those of his friends who think alike. (Sri J. C. GUPTA: That is the ideal.) Sir, I notice with suspicion that after Sri J. C. Gupta has spoken in favour of reservation of seats no one stands up and speaks against this reservation

of seats. I suspect there is some secret circular which perhaps, after this has been shown to the Congress members, has convinced them that this is a question of higher politics and as such should not be raised. It is in the interest of the party which is in power that the disruption among the Muslims should be created and retained as long as it is possible. You are thinking in term of retention of power for another ten years. God knows who will be in power. With all these safeguards, with all the security measures, you will not achieve what you intend to achieve. But whatever that may be, why create disruption among ourselves? Perhaps some day you will realise that this act of yours has not helped you much. We do not want reservation of seats. If the Muslims after a referendum, as has been suggested, by Sri J. C. Gupta, accepts reservation of seats, I am willing to accept the verdict, but the Muslim masses do not want reservation of seats today. Why should you thrust it upon them? The question of reservation of seats has not been raised by the Muslims in the Constituent Assembly. I do not know how this question came up in spite of any suggestion from them. If the majority of the Muslim members had pressed upon the Drafting Committee to have this reservation, I could understand it, but this came from quarters who are more interested in the affairs of the Muslim community than the Muslims themselves. After seeing the fate of the resolution on the exemption of personal bond from the operation of Civil Code, which had the unanimous support of the Muslims, I suspect the motives of the framers of the Constitution so far as it deals with the Muslim question.

Janab MUHAMMAD IDRIS: Mr. Speaker, Sir, I also would like to speak a few words on the reservation of seats for the minorities, as has been provided in the Draft Constitution of India.

Our revered friend Sri J. C. Gupta the other day very rightly observed, while discussing the Draft Constitution, that the constitution of a country should be framed in such a way that it can have maximum amount of co-operation and support behind it from the people themselves, that the constitution should derive its strength from all communities and all parties and, as such, joint electorate with reservation of seats for the minority communities is a necessity at present. I fully share this view of the honourable member Sri J. C. Gupta.

Sir, if reservation of seats is not provided for the minority communities, then there may be every chance of the minority communities being unrepresented in the Parliament of the country as well as in the legislatures of the provinces as some of the people, I am sorry to say, have not yet become free from prejudices, political or social. And having regard to this most regrettable situation, the Drafting Committee could not but make provision for reservation of seats for the minority communities and I congratulate them for this wise provision they have laid down in articles 292 and 294 of the Draft Constitution of India. This reservation for minority communities is a necessity and it is indispensable for the time being in the interest of the country as a whole and not for the minorities alone.

Sir, I have noticed while listening to the speech of Janab Abul Hashem yesterday that a considerable amount of doubt has been lurking in his mind whether actual representatives of the Muslim community would be elected at all and so, according to him, reservation or no reservation, it is all the same to him for he thinks that the voices of the minority communities will not count simply for the fact that the majority of the voters would be from the majority community.

Sir, I cannot agree with him. I believe that argument does not hold good now. After the achievement of freedom, the circumstances, the entire atmosphere are changed and consequently the outlook of the people is bound to have changed and has changed to a very considerable extent.

Sir, the majority community has become the custodian of the interests of the minorities and I hope they would certainly pay due regard to the voices of the minority communities while electing a representative from the reserved constituency for I am sure the people of India would now realise that they are now a free nation who must act free from all sorts of bias and prejudice—communal, social or political. And as such every citizen will try his best to elect a true and fittest representative for in doing so he will contribute his share to make his country the noblest and strongest one.

Sir, I have seen that Janab Abul Hashem and some other honourable members of this House have failed to accept this reservation of seats for the minority communities on democratic principle also. Sir, I appreciate their sense of democratic ideals. I know that according to the principle of democracy there is no place for safeguard or reservation of seats for any community. Full-fledged democracy is our ideal no doubt, but it cannot be achieved overnight particularly for a country which has just emerged from long foreign domination. Full-fledged and ideal democracy can be a success only when the citizens are fully equipped with sufficient civic sense and education and have become free from all sorts of prejudices, social or political. So, however idealist we may be we cannot but be a bit realist too and make some adjustment at some time or other according to circumstances particularly in India where the situation and circumstances are something uncommon to that of the rest of the world.

However, Sir, I hope and I believe that after a few years reservation of seats will not be required at all. By that time I am sure the people of our country will be completely free from all prejudices—communal, social or political. I am sure that day is not far off. Let all of us bring that day nearer. Let us unite together—unite to a man to make India, world's richest, strongest, noblest and best country.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I admire the courage of the honourable members to my right in bringing forward this resolution after the slap they received over the problem of personal law of Muslims in India.

Sir, we are talking in the language of democracy. We are talking of separate and joint electorates and of reservation and non-reservation of seats. The history of this problem is perhaps not understood by or known to the honourable members fully. Why did the Muslims demand separate electorates? Sir, communalism is not one-sided; communalism has unfortunately been the bane of our public life. In my experience of politics, I have found it working more powerfully among the majority groups than among the minority groups. Minority groups thought in terms of safety, while the majority groups thought in terms of domination. The Muslims alone are not the minority that demanded separate electorates. In the old Assembly, Sir, I once asked honourable members who talked in terms of nationalism to give me one instance of a Muslim elected to any Provincial Legislature or the Central Legislature from joint electorates. (Sri J. C. GUPTA: Rasul.) Yes and perhaps Nawab Syed Muhammad, but how they were elected and why they were elected is a matter on which one may hold different views. Sir, to go as the chosen people of the majority and then to assert that I am a Muslim or a scheduled caste member or a Sikh or an Anglo-Indian does appear to me to be ridiculous. Representation of Muslims under reserved seats and to be chosen by votes other than Muslims does not seem to be democracy or representation in its true sense but, as I said the other day, democracy has been learnt by us at the feet of those who have taught us this modern form of Government; and so long as we do not acquire a new mentality, so long as we do not realise that conditions in this country, with Varnashram on the one side with 60 millions of untouchables denied human rights on the other are quite different; and the Muslims feel that they are going to be relegated to a permanent minority where they will have to breathe, exist and live at the

charity and mercy of those who control all the constituencies in the country. There is not much advantage or benefit in talking of separate and joint electorates or reservation of seats or non-reservation of seats.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: So, Jehad against Kaffirs! (*Laughter.*)

Janab ABDUR RAHMAN SIDDIQI: Sir, I would have answered that interjection, but as I have said I will not enter into controversy. I am trying to explain to the honourable younger members of the Assembly whose knowledge of Indian politics is positively one-sided and very defective, who cannot see beyond their noses, who cannot think of an India happy all round, happy according to the genius of its people, genius of its many peoples. They may gain a temporary advantage. They may repeat principles enunciated by John Bright or Gladstone or the later day prophets of European politics like Lenin and Stalin but that will not help us. I am where I was years ago, and I hope I shall die with my convictions. Therefore, Sir, so far as I am concerned, whether they give us reserved seats or whether they decide to have joint electorates it is six of one or half a dozen of the other. Whether we get this one or that, we shall remain the same slaves that we feel we are today. Honourable members who spoke yesterday said that it was now a problem of the responsibility of the majority to protect the minorities, because the minorities had become absolutely weak and incapable of fighting for their rights. I agree with that Honourable members agreeing with the principle that the Constitution should not interfere with the personal law of the citizens again did not support the motion although they admitted its rectitude and correctness. Sir, I am totally indifferent to the fact whether I am here in the Assembly or whether I am not because even if I utter the truth, even if I try to present the case without any ulterior motive, even if I place certain facts before those who have got the sledge-hammer of the majority under their control, it is neither here nor there. I will utter the Urdu sentence once more and say "Baba jo tera ji chahé so dé Allah tera bhala kare."

بابا جو تیرا جی چاہے سو دے اللہ تیرا بھلا کرے

Janab S. M. ABDULLA: Mr. Speaker, Sir, I like to speak a few words against the motion placed before this House by my honourable friend Janab Abul Hashem.

The question of reservation of seats for the minority communities in the future constitution of India is certainly a very serious one, and I would appeal to those members of the House who want in their heart of hearts to see India prosperous, those who want to see the development of India, to consider this question carefully before giving any final decision on this momentous issue.

They must camly think and ponder over the question. Now, Sir, what should be the deciding issue, what should be the deciding factor, what should be our aim, and how this question of minority should be approached? From what angle of vision should we approach this question? I quite agree with Janab Khuda Bukhsh that we the Muslims have merged into the Indian Union but since we have merged into the Indian Union how does the question arise that the Muslims will not be represented there? When we have merged into the Indian Union, the thing we shall count upon always is the unity of India, a prosperous India, a glorious India. Whatever you say in the Legislature or elsewhere your motive should be the unity of India, your aim should be an India -united in feelings, in purpose, in its vision of duties and opportunity of service. It should be our aim how to bring about this unity and to see that this unity of India is not disturbed in any way. Sir, Janab Khuda Bukhsh has said on the one hand that he does not want reservation of seats for the Muslims as the Muslims have

already merged into the Indian Union and on the other hand he said that in spite of the reservation of a few seats they will not be able to safeguard the interest of the Muslims and their grievances would not be redressed. I do not think, Sir, that the reason is cogent and the argument logical and because this question does not arise after the partition of India. Why do they think that our cause will not be represented? Look at the Congress ideal. The idea of the framers of this Constitution is to give facilities not to the Muslims only but to the fallen humanity, the Scheduled Castes, the Christians and so on and so forth. Even of the sacrifice of certain principles of democracy they have not hesitated to give facilities and rights to the backward communities of India into the Constitution of India. Sir, I am speaking not about the Muslims alone when I say this. Why should you start saying that there should be no reservation? We also want that there should be joint electorate without reservation. All we want is this that the reservation proposed in the Constitution for a temporary period of ten years should remain as it is. For it is not being sought to keep this for all time to come. Janab Rafique has also spoken in the same vein, that in spite of reservation of seats, in spite of joint electorate, we are not likely to bring special benefits to the Muslims. Why do you fail to take things in their true perspective? Hitherto there was the third party, the British Imperialist Party. The British Imperialist Party was playing its "divide and rule" policy in every walk of life in India, politically and socially and now to enslave India economically they are supporting the Hyderabad and Kashmir in their fight against Hindusthan. You know it, Sir, in your heart of hearts. Now, Sir, with the attainment of freedom and independence we must all aspire for Indian unity and we the younger generation still hope and expect that India will not only lead Asia politically and spiritually but gradually India will lead the world again. Therefore, my suggestion is that we want the reservation for a temporary period of 10 years and I request the House to take the thing in its true perspective. I will further draw the attention of the House to review the history of the past few years of our country and turn their eyes to the present situation, namely, the vicious and poisonous atmosphere prevailing in the country. Sir, I have every respect for the educated men. They can vote according to the merit of a man without any communal bias, but if you look to the villages, you will find that the recent history of our country has inculcated in them the two-nation theory, which has at last created the poisonous division of the country. 90 per cent of our people whether of the Hindu community or of the Muslim community, will vote for their particular community. Now, the third party has gone and our leaders are trying to abolish the distinction between man and man and India has been declared to be a secular democratic state and therefore there is no fear on the part of the Muslim community, or on the part of any other minority community, and I can say, Sir, that in course of time, say within 10 years, I see with a clear vision, there will be no need for reservation at all, because soon India will be merged into one nation with new spirit, new vision, new ideals, — a united India without reservation of seats for any particular community.

The Hon'ble Sri KIRAN SANKAR ROY: Mr. Speaker, though it is absolutely wrong for any member of this House to doubt the bona fides of other members, I confess, Sir, doubts have arisen in my mind about the psychology behind the mover of this motion and the psychology of some of his supporters. I confess, Sir, the doubt has arisen, because of the speech which has been delivered by my friend Janab Md. Rafique. I suspect, Sir, that he really moved this resolution in a huff. He wanted and still wants separate electorate and, because he cannot get it, in a huff he is moving this resolution. I hope I am not being unfair to him and to other friends but I do think that it would have been straightforward for them to move a motion advocating separate electorate. If I have been unfair to him I am prepared to withdraw my observation.

SHAIK MOHAMAD RAFIQUE: On a point of personal explanation, Sir, I was simply referring to Madras where they wanted separate electorate and they said if it was not conceded they did not want joint electorate.

The Hon'ble Sri KIRAN SANKAR ROY: Well, if that was in his mind, I am sorry I misunderstood him. But any way I do not want to enter into a controversy on a matter which concerns only my Muslim friends in this House.

Janab ABUL HASHEM: Why should it concern us only? It concerns every Indian.

The Hon'ble Sri KIRAN SANKAR ROY: Yes, but primarily. If you listen to my speech you will find that I am not offensive in the least.

Mr. Speaker, what I wanted to state on behalf of the members of this side of the House is this. As an ideal we think the best thing possible is one electorate—don't call it joint electorate—for everybody, but neither we nor the framers of the Constitution could ignore the exigencies of politics and prevailing circumstances in the country and we have therefore to accept a period of ten years as a compromise. Nobody would be gladder than us when all these reservations would go, but we do not want to influence the decision on this matter. We shall remain neutral if there is a voting on this question. At least on this occasion we do not want to use the sledge-hammer of the majority. Let this matter be decided by the representatives of the Muslim community in this Province. We shall remain neutral.

Janab ABUL HASHEM: May I speak a few words only in reply to the criticisms levelled against us who have supported the resolution that I have moved. Sir, I have said more than once that I have been inspired by the best of motives to place this resolution before the House for its consideration. Sir, I must confess that it taxes very much my poor faculty of understanding to grasp the points that my esteemed friend, Janab Syed Badrudduja wanted to make out of his flood of eloquence with incessant shoutings of synonyms and antonyms. (At this stage there was some noise in the Muslim group.)

Mr. SPEAKER: Order, order. So far as the Opposition is concerned they have already taken part in the debate. Mr. Hashem, do you think it is necessary for you to say more about it?

Janab ABUL HASHEM: Sir, I should first of all like to say that here the opposition is not the opposition sitting opposite only, but there is opposition amongst opposition members also. Janab Badrudduja takes pleasure and joy in thinking that I and those who think like me in this matter are politically dead. Sir, we lived and we have died, if he is correct. Man is mortal and to die is neither a sin nor a crime, but we wish that he may have a very prosperous, happy and long life in the future complex of free India. He has reminded the House that public memory is very short and that my memory is shorter still. May be, Sir. But, Sir, just to refresh his memory I would like to remind him that in the year 1940 I was, so to say, not yet born politically and was a mere worker of the Muslim League when my esteemed friend, Janab Badrudduja, perhaps due to his short memory, has forgotten that he was then one of the leaders and one of the members of the Working Committee of the Bengal Provincial Muslim League, and perhaps he forgets that it was his political *guru*, Mr. A. K. Fazlul Huq, who placed the Lahore resolution which contemplated for the first time the partition of India. Perhaps he forgets that he became a member of this Legislature for the first time with a Muslim League ticket tightly fastened on his neck. He also forgets that after some time he left the Muslim League party unceremoniously——

Janab SYED BADRUDDUJA: On a point of personal explanation, Sir. If you allow him, Sir, and every one of those blessed fellows to speak in this way, I must have the right to speak in reply to every word that they say.

Mr. SPEAKER: Order, order. Mr. Hashem, I hope you should not enter into personal recriminations in your reply. We have had enough of it.

Janab MD. KHUDA BUKHSH: On a point of order, Sir. Janab Badrudduja has used the expression "every one of those blessed fellow". I want your ruling as to whether the word "blessed" is parliamentary in this context.

Mr. SPEAKER: I do not think that is unparliamentary.

Janab ABUL HASHEM: Sir, I beg to submit for your consideration that for two hours of his speech he utterly failed to make any point but he devoted the entire speech in personal charges and accusations that we were inconsistent, traitors and responsible for the partition of India and that he had nothing to do with that. As you desire, however, I will not enter into that controversy, but I will simply content myself with this remark that he is perhaps supporting this reservation banking upon the short memory of our Hindu friends opposite, but I know that our Hindu friends cannot be so easily flattered and cajoled for they will not forget the antecedents of Janab Badrudduja. I say again that our friend, Mr. Kiran Sankar Roy, is justified in taking cognisance of the exigencies of the political situation and has left the matter to the political inconsistency of our people for decision. Sir, it is painful to hear these remarks from the political turncoats.

(At this stage Janab Badrudduja rose on his feet and charges and counter-charges were made from both sides of the Muslim group.)

Mr. SPEAKER: Order, order. I cannot allow these things to go on in this way. Will you, Mr. Badrudduja, stop from making personal attacks in this way? Will you please sit down?

Janab ABUL HASHEM: Sir, I am inspired by my own people's instinct for self-preservation to move this resolution, whether I desire it or not, whether it is sublime or ridiculous, high or low, does not matter. But circumstanced as we are, we will have to depend upon and trust our Hindu friends whether we desire it or not.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. I think the honourable member will realise that in making a reference to members on this he should not make a reference to us as Hindu members but as Congress members. If there were members of the Hindu Mahasabha in our midst, he could have done that.

Janab ABUL HASHEM: All right, Sir. Circumstanced as we are, we will have to trust our Congress friends.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: for protection against your Hindu Mahasabhaite compatriots!

Janab ABUL HASHEM: and we are of opinion that effective safeguard and protection lie not in reservation but in the circumstances in which we shall be forced to trust each other. That is why I have tabled this resolution, and it is not that we are blind to the necessity of safeguard and protection. Sir, as has been sufficiently developed in this House, reservation does not give us any such protection. We may make one point very clear. As the Hon'ble Mr. Kiran Sankar Roy raised the question that perhaps in our mind there is a desire for separate electorate I want to make it clear that so far as I am concerned we do not want separate electorate, and even if the Constitution provides for separate electorate we would oppose it vehemently for the simple reason that in a system of separate electorate it is true we could

send our representatives to our liking but small minority as they would have been, they would have been sitting in the back benches and our Congress friends and non-Muslim friends and Scheduled Caste friends would have nothing to do with the Muslims. So they could have tortured them, burnt their houses and done any injury to the Muslims with impunity. So separate electorate in the present context of things would have been death to us, separate electorate would not also give us any benefit. So the only safeguard the only protection lies in creating circumstances in which all Hindus, Congressmen and Muslims will be obliged to trust one another. With this motive, Sir, we have moved this resolution and not with any other motive. Therefore, I felt very much surprised and pained also that our Congress friends in this matter have decided to remain neutral and only the Muslims should be left to decide this. It is not Muslim interest alone; it concerns whole of India. Congress declared that the ideal thing is to have one electorate. In that case, I think, they cannot remain neutral in this matter. If they have decided to take into cognisance the exigencies of the present situation and have made a decision to provide reservation for ten years, they should register their decision by force and should not leave it alone here and create any amount of bad blood among the Muslims alone. As in all matters of Constitution we have taken part equally, in this matter also let us take part in the same manner.

Janab SYED BADRUDDUJA: Mr. Speaker, Sir——

Mr. SPEAKER: Is it a point of personal explanation or a point of order?

Janab SYED BADRUDDUJA: I am not offering any personal explanation. Sir, in the course of his speech——

Mr. SPEAKER: Mr. Badrudduja, I cannot allow you.

Janab SYED BADRUDDUJA: In the course of his speech Mr. Abul Hashem cast reflections and aspersions on my revered leader Mr. Fazlul Huq.

Mr. SPEAKER: If it is a point of personal explanation I can allow you; otherwise not. Please take your seat.

Janab SYED BADRUDDUJA: If you could permit me I could have shown the background against which an organised conspiracy had been indulged in by certain people belonging to that persuasion

Mr. SPEAKER: It is not proper that after my orders the member should go on. That is not a thing which ought to be allowed in this House. I would request the honourable member to resume his seat

Janab SYED BADRUDDUJA: That is because of the abuse.

Janab ABUL HASHEM: We are not responsible for this acrimony.

Mr. SPEAKER: Order, order. I will not allow this discussion.

The motion of Janab Abul Hashem that this Assembly is of opinion that in clause (*a*) of Article 292 in Part XIV (Special Provisions relating to Minorities) of the Draft Constitution of India the words "the Muslim Community" be omitted was then put and lost.

Sri JYOTI BASU: I move the following resolution that this Assembly recommends the convening of a real Constituent Assembly based on adult franchise in order to frame a truly democratic Constitution which will provide for votes for all at the age of 18, nationalization of all basic and key industries without compensation, confiscation of British capital, right of Kishans to land, right of all citizens to work, education, living wage, old age pensions,

etc., right to freedom of speech, assembly and organization without qualification, self-determination of all nationalities inhabiting India, and this Assembly further recommends the rejection of the Draft Constitution of India on the following grounds:—

That the Draft Constitution of India is undemocratic and authoritarian favouring as it does the vested interests in that among other things:—

(*i*) that it restricts the right of citizens to freedom of speech and expression to assemble peacefully and without arms, to form associations or unions, by providing in Article 13(2) that existing laws denying all of these freedoms will not be affected, and the State shall not be debarred from making any law in future depriving the citizens of these rights,

(*ii*) that the mere directive principles of State policy in Part IV with regard to ensuring right to work, to education, to public assistance in case of unemployment, old age, etc., to adequate means of livelihood and in the matter of ensuring that the ownership and control of the material resources of the community are so distributed as best to subserve the common good, are of no value inasmuch as these are not enforceable by any Court as laid down in the Constitution,

(*iii*) that the question of nationalization has been shelved inasmuch as it ensures that no property or business will be taken away from the owners even in case of British and foreign capitalists without compensation even if needed for public welfare,

(*iv*) that it preserves the rights of Rajas and Maharajas and gives lesser rights to the peoples in the Indian States than in other parts of the Dominion,

(*v*) that it denies residuary powers to the provinces and does not contemplate self-determination of different nationalities like Bengalis, Assamiyas, Maharastras, Beharis, etc.,

(*vi*) that it provides for an unnecessary and reactionary Second Chamber in the Centre and some of the provinces,

(*vii*) that it provides for unwieldy constituencies which will make it practically impossible for non-Government parties to contest elections and also because it provides for 21 years in place of 18 years as the voting age,

(*viii*) that it provides for special ordinance-making power for the Governor and the President without limitation, and

(*ix*) that it provides for indirect election of President who has been given unlimited powers

Sir, in moving this resolution I shall not reiterate all the points which I made during the speech on the Draft Constitution of India a few days back, but in reference to some of the speeches made by certain members opposite, specially of those who see in the Draft Constitution a charter of freedom for the peoples of India, I shall make my points stand out in bolder relief. We have been reminded by some of the members sitting opposite of the historic responsibility with which we are faced in discussing this Draft Constitution of India. With that sense of fullest responsibility and consciousness in discussing the Draft Constitution of India I have placed this resolution before the House. I shall not of course go into all the questions of the sentimental talk that this Draft Constitution is not only for this generation but for many generations to come, and so on and so forth. I shall only refer to certain remarks which fell from one or two Ministers and some other members on the Congress benches that the Draft Constitution has been framed in accordance with the genius of our people and it has not been copied from any other Constitution in the world. Especially

this point was made out when I had referred to the constitution of the Union of Soviet Socialist Republics and that we should draw lessons from that constitution. In this connection Sri J. C. Gupta has rightly pointed out that the drafting committee members delved into all sorts of constitutions including the British, American, Irish and other different constitutions and also including the India Government Act of 1935. Sir, it is a pitiful commentary that our genius, the genius of the people of India has been reduced to imitation of the constitution of two of the greatest Imperialist countries in the world, namely, Great Britain and America and the other slave constitutions like the constitutions of the Government of India Act, 1935, and the Dominion constitutions. After the 15th August for the first time we have started seeing in these great Imperialist countries great democracies and no longer Imperialist countries. Sir, that is the first point I want to make with regard to some of the speeches made from the Congress benches.

Secondly, I should like to point out how the constitution made sufficient provision for the emergence of a full fledged capitalist society with adequate safeguards for private business interests—for landlords, for Maharajas, Rajas and Nawabs who are fast becoming our spokesmen in the United Nations and also becoming Governors in our country. We know that in keeping with the spirit of this constitution the mock battle in Hyderabad has ended and over the heads of *kisans*, the people of Telengana, a dirty deal has been made——

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. Is he in order to make an irrelevant reference in this manner to a matter which has absolutely no bearing on the present question at issue. I hope, Sir, and I humbly submit that such irrelevant remarks must be ruled out of order There is a limit to dirtiness.

Sri JYOTI BASU: Sir, will you control the Minister? He said: "There should be a limit to dirtiness". He must withdraw that expression.

Mr. SPEAKER: I will control everybody in this House. But the question is you must be relevant in your speech to the subject-matter under discussion. There is no question of discussing what has been happening in Hyderabad.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: He said that a dirty deal had been made and he must withdraw that expression. He must withdraw that stupid remark.

Sri JYOTI BASU: Sir, I want your ruling whether the expression "stupid remark" is parliamentary or not.

Mr. SPEAKER: If a member is called stupid that is not parliamentary. But if his remark is called stupid then I believe it is not unparliamentary.

Mr. JYOTI BASU: Very well, Sir, I bow down to your ruling that stupid remark from a Minister is parliamentary.

Mr. SPEAKER: It is parliamentary even from you.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: On a point of order, Sir. I respectfully ask for your ruling that the irrelevant portion used by the honourable member to the effect that the Government of India has entered into a dirty deal with Hyderabad should be ruled out of order and he should have the decency to withdraw that expression.

Sri J. C. GUPTA: That ruling has been given.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: No, he should be asked to withdraw it.

Mr. SPEAKER: To my mind I cannot ask him to withdraw it. The only thing that I can say is that he must be relevant to the subject-matter.

Janab ABUL HASHEM: Sir, now that Hyderabad is a part of the Indian Dominion, how is it irrelevant to refer to any matter regarding Hyderabad?

Mr. SPEAKER: Hyderabad is not yet part of the Indian Union.

Sri JYOTI BASU: If you, Sir, listened to what I said I think I was quite relevant when I made this remark about Hyderabad. As I was saying in my speech, in the Draft Constitution ample safeguards had been provided for maintaining the power of Rajas, Maharajas and so on, and I was pointing out that these Rajas and Maharajas are also becoming our representatives in the United Nations Assembly and are becoming our Governors as for instance in Madras, and in connection with these I was saying that in Hyderabad in keeping with this spirit of the constitution a deal has been made with the Nizam, and in that connection I was going to say something further. I maintain, Sir, that it was quite relevant.

Mr. SPEAKER: But we are not discussing what has been happening in Hyderabad.

Sri JYOTI BASU: I know that. We are discussing the Draft Constitution where the power of Rajas, Maharajas and Nawabs has been preserved in a way which is not to my liking; it may be to the liking of other members. The powers of the people in the States are lesser than the powers of the people in the Indian Dominion. That is not to my liking. It may be to the liking of other members.

Mr. SPEAKER: You can discuss the particular clause where the rights of Rajas and Maharajas have been mentioned. But you cannot say what the Government of India has done in Hyderabad.

Sri JYOTI BASU: It is relevant in this way. It is exactly in keeping with this that I was giving an example. I am entitled to give you examples.

Mr. SPEAKER: I cannot permit references like that on discussion of the Draft Constitution.

Sri JYOTI BASU: Am I not entitled to give examples? I can give other examples on civil liberties for instance. Am I not entitled to give you an example as to how civil liberties can be and are being curtailed?

Mr. SPEAKER: Will you realise, Mr. Basu, that we are not discussing the Government of India's action or the Provincial Government's action in any way. You are discussing the Draft Constitution as to what should be the constitution for India, and therefore you cannot bring in any matter as to what a particular Government is doing. You can discuss the abstract proposition and can refer to the provisions made in it as to how far they will affect your proposition.

Sri JYOTI BASU: The only thing that I should like to state in this connection is that perhaps you have heard the speeches of the Congress members. One or two points were made by one or two Ministers that we should have faith in the people who are at the helm of affairs of India today, that in spite of these provisos, as for instance, on the question of civil liberty they will not be brought into effect because those who are ruling India are good people. If on the question of present day administration things like that had come up in their speeches I do not see why I should be shut out in this way.

Mr. SPEAKER: I should like to draw the attention of the honourable members to the fact that there are lots of things said and unless objection is

raised at the particular moment it is impossible for the Speaker to decide. If the Speaker has to pull up every member of the House every now and then it will become absolutely impossible for him to carry on. If there be constant interruption by the Speaker in the course of a speech after every 2 or 3 minutes, it will not be possible for the members to go on and I cannot restrain every member of this House in that way. As a matter of fact it is for the members to decide as to how far they can bring their arguments relative to the subject-matter under discussion.

Sri JYOTI BASU: In that case, Sir, I cannot of course go on with this point further as that has been your ruling. I think I shall be further held up when I make my other points. Let me continue and see what would happen to my speeches. Of course I did not rise on a point of order then and there when the member on the Treasury Bench was attacking me as I thought I would get an opportunity to reply to them and to refute them where necessary. The other side was not pulled up. Anyhow I bow down to your ruling and proceed. Yesterday, I referred to the steam rollering of the Provincial powers and so I shall not go into that particular point again. I shall, in this connection, refer again with emphasis if emphasis were needed to the question of civil liberties as has been formulated in the Draft Constitution and at the risk of being irrelevant I shall try to make my point. Sri J. C. Gupta while speaking on the Draft Constitution emphasised that all the freedoms and liberties of the subject were guaranteed by section 13 of the Draft Constitution and he thought that those guarantees were of greater importance than the provisos which limited those guarantees because again according to him and to certain other members of the Congress good men are at the helm of affairs so naturally the provisos will not be of much use in a free India after the 15th of August, 1947, and it was exactly to that particular subject that I was referring to a little while ago. I can only emphasise in this connection by examples and it is here I have to refer to the administration here, how the provisos will affect this particular guarantee of the freedom in clause 13. I can only show through examples. Now what is happening in West Bengal? About two months back on a daily Bengali paper called *Sambad* precensorship order was served and it was found out after a little while that it was impossible for this daily paper to carry on because the Government of West Bengal would not allow the paper to print and publish things which were anti-Government news of strikes, news of *kisan* workers struggles. Now in this connection no warning was also given to the paper as to what particular crime it was guilty of. But all of a sudden this order was clamped on it. Similarly about three or four days back another daily paper in Bengali called the *Nutan Sambad* was similarly without warning given a precensorship order and the paper was not told of the crime it had committed. Now my point is that according to present laws which will not be affected by the guarantee of freedom in section 13 of the Draft Constitution, if these laws, lawless laws as I would call them, unless these lawless laws are curbed, for example, the West Bengal Security Act it would be impossible for any aggrieved party to go to court and have his case adjudicated upon. Therefore as we find today that even after the 15th August, 1947, and with good men at the helm of affairs, as we are told, the regime of lawless laws is in force and we are fast moving towards fascism because one does not know one's rights in this land of ours. My conclusion in this matter is that the Government may stop any anti-Government paper if it does not like that paper whereas we are told we are free to criticise the Government, we are even free to ask the people to get rid of a bad Government if it exists but that is made a nonsense of by the provisos because the provisos are without limitation. As you will see, Sir, it is not said that under such and such circumstances alone you can do this and you can do that to curtail the liberty of the subject or the liberty of the press. But as at present at the sweet will of the Government the Government can stop any anti-Government paper for that

matter. Similarily with regard to personal liberty of the subject for me and people like me who definitely want to change this pro-capitalist anti-democratic Government we cannot carry on our normal activities amongst the people because the Government do not like us and they would at their sweet will again put us in prison without any trial for any period they like. That is the sort of law which prevails not only in Bengal but all over India. So I do not see how these guarantees will be of any use to ordinary citizens, specially citizens like me who definitely want to get rid of this Government as soon as possible. But the present Government have promulgated laws whereby it would be impossible for me to do this because they have identified the State and the Government. Now in this connection I have no remedy whatsoever because again the powers are limitless, i.e., it is not specified as it is specified in Great Britain for instance that even in an imperialist country like Great Britain they say that if a man is to be hauled up it must be on a particular charge unless of course there is a grave emergency and that emergency has to be declared and then by law of the Parliament they can take away the liberty of the subject. But here that is no such guarantee for us because, as I said, there is no limit to these powers. For instance, a Home Minister like Sri Kiron Sankar Roy may one fine morning get up and say I suspect that a communist like Sri Jyoti Basu has been collecting sten guns and carrying revolvers in his pockets and therefore I would like to put him in prison. If such a thing happens under the new Constitution also I shall have no remedy. I have to find my place inside the Presidency Jail or the Alipore Central Jail. The judge might have after three months released me because he threw away the charges in the waste paper basket, I mean the Government charge against me about sten guns and other charges, as nonsense but the Government again clamps an order on me that I cannot go to the people and tell them that this Government must go. I cannot tell it because there is another order on me. I cannot leave Calcutta; I cannot do this; I cannot do that. They have made ample provisions in this Draft Constitution for this state of affairs to continue. That is my conclusion. For providing that at the next general election which is coming in about a year's time those very gentlemen or like gentlemen may be safely returned to power again such powers are exercised and are provided for in the Draft Constitution. In the meantime they have almost illegalised the Communist Party of India all over India and they have shut down our papers not one but many dailies and weeklies. And in this manner they have seen to it that the most determined opposition against this Government will be outlawed before the elections come. Then will come, of course in keeping with this Constitution and all its provisions, the time for the socialists, Forward Blockists and others to go the same way with us. Therefore I think that at least it should be recorded that there was one Resolution at least in the whole of India which shows that this Draft Constitution as prepared by the Drafting Committee and I think accepted by the members there must go and it must not be the Constitution for a free India and we must go on to draft another Constitution through a Constituent Assembly based on adult suffrage.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I do not wish to waste much of my words. I am afraid, Sir, the whole speech would have been more appropriate on the occasion of the discussion on the Security Amendment Bill which is coming along. The honourable member seems to suggest that all these so-called sinister provisions in the draft Constitution have been provided by keeping him in view. I do not know if such claim would succeed with members in an Assembly like this, in a body of law-makers. Such notions, however might succeed very well and would perhaps be also profitable in the sphere of the profession of entertainers. I therefore think, Sir, that, as it happened, most of the remarks made, were on the border line of irrelevance and it is unnecessary to waste words in

reply to them. I think Sir, it is a mere complex due to which, instead of dealing with the principles and provisions of the Act, the honourable gentleman in his complex was dealing with the motives of Government either at the Centre or here, there or elsewhere. Governments would be changing from time to time, but whatever Government would be coming into being from time to time would be under the provisions of the new Constitution, and therefore what is more important is the question of principles and provisions to be embodied in this Constitution under which, if the people of the country want, bad people may come into the Government or if they so like even angels including the Speaker may come into the Government. He wants that angels should come and rule over us and prepare our Constitution. I therefore think that unhappily the honourable gentleman's remarks and observations were on the border land of irrelevance and out of place, and it is needless to say anything more.

As regards his remarks made about newspapers, so many newspapers are about that if it is claimed that certain brands of newspapers are monopolists of truth and all the other newspapers are run by bad people with bad motive, it is not only an insult to the intelligence of the members of the House, but it is also an insult to the intelligence of the entire sphere of journalism in this country.

Janab ABUL HASHEM: On a point of order, Sir. The mover of the resolution Mr. Jyoti Basu attempted to give some illustrations from here and there and incidentally referred to Hyderabad, and you were pleased to stop him from making any reference to Hyderabad. Now in course of his speech the Hon'ble Minister is making reference to certain irrelevant things.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, what is his point of order?

Janab ABUL HASHEM: Let me finish and then you will know. Sir, my point of order is this: is the Hon'ble Minister entitled to make a speech on the Government's justification to pass certain orders against certain newspapers in reply to this debate which is absolutely irrelevant?

Mr. SPEAKER: The position is this: if one member alludes to a subject which has gone on record and if there is repudiation by a member on behalf of the Government though it was irrelevant he cannot be prevented from doing so. Therefore I rule that Mr. Dutt-Mazumdar was within his right to refer to that matter

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, all I want to say is that it is not only an insult to the intelligence of the members of the House but it is also an insult to the entire sphere of journalism in this country, and if the papers referred to have come under the mischief of any laws I think they were demonstratively trading absolutely in tissues of lies.

Mr. SPEAKER: Order, order. You need not discuss that any more.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: So I say, Sir, that that was quite beside the point. The Draft Constitution has provided for freedom of speech and assembly of persons peacefully with some qualifying clauses, but these qualifying clauses are not, as the honourable gentleman seems to think, a huge fraud perpetrated keeping him in view but rather because freedom, as has been aptly said, mean no licence. Therefore our speeches and associations have to be so regulated and directed that men do not injure society and State and tread upon the civil liberties of other people. Now, civil liberty does not mean breaking the heads of other people, and it is in that context, Sir, that the Government takes action on which subject the gentlemen opposite may have an opportunity to speak on the Security Bill.

Sri JYOTI BASU: Sir, I have a right of reply.

Mr. SPEAKER: I admit generally there is the right of reply but in this specific case I do not see any reason for that.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, may I make the position clear. I did not make any speech and therefore, I think, there is no question of the honourable member's right of reply. As a matter of fact he will not be replying to anybody. Sir, the practice in this House has been that after a motion has been moved and discussed the mover, if he wishes to exercise his right of reply at the end of the discussion, can do so. But when there is any explanation to be given on the part of Government, Government confines itself simply to giving that explanation and making a statement. There are no other speeches after that. I have not gone into the full page proposition of the resolution Only with regard to the references made in abuse of the Central Government and this Government I simply made certain points clear.

Janab ABUL HASHEM: Sir, are we to understand that Mr Niharendu Dutt-Mazumdar spoke for fifteen minutes without saying anything?

Mr. SPEAKER: The position is this Certainly I find that under rule 41 a mover of a motion has a right of reply, but that right of reply arises only when there are speeches in opposition on the main question which are relevant to the issue at stake. The position here is that honourable member referred to some remarks which are not strictly relevant to the issue and the Hon'ble Minister said something in reply to those remarks. Now that is again the only speech which has been made on this resolution and I do not think there has been anything said substantially on the motion to justify any reply on the part of the mover

Janab MD. KHUDA BUKHSH: On a point of order, Sir. Here we are discussing the draft Constitution of India and therefore the question of supporting a motion and of opposition to it do not arise Here the whole House is to offer its remarks to the provisions of the Constitution. So in moving a resolution, if certain remarks were addressed, I do not think that a member of the Provincial Government would be entitled to speak on behalf of all the Provincial and Central Governments of India. Therefore before hearing the mover of the resolution what are the points that he should like to say in reply, I do not think it would be correct to shut out his right of reply which has been expressly provided in the Procedure Rules.

Mr. SPEAKER: So far as that point is concerned, I have admitted that he has got his right of reply. But I have heard both the mover and Sri Niharendu Dutt-Mazumdar. So far as the motion is concerned, nothing substantial has been said both in the speech of the mover and in the reply to the points of Mr. Jyoti Basu nor has the motion been dealt with fully by any other member of this House. In that view I cannot understand how the question of a right of reply arises In such circumstances when there is nothing to be said save and except in reply to some of the remarks of Sri Niharendu Dutt-Mazumdar which were also not relevant to the motion before the House, I cannot allow Mr. Jyoti Basu to exercise his right of reply.

Sri JYOTI BASU: On a point of privilege, Sir. It has been provided in the Procedure Rules that there is a right of reply. Now a Minister has chosen to speak after I have spoken. He made certain remarks and those remarks appear to me to be very relevant and therefore unless I have a right of reply it would be impossible for the House to understand my point after the Hon'ble Minister has spoken. If you still feel that only in my case I shall be shut out and not have any right of reply, the only alternative left to me is to leave this Chamber and not further participate in this

debate because in the present position that is the only thing I can do. For otherwise it would be impossible for members here in the opposition to function. It is improper to be thus shut out after being shouted at at the top of his voice by one particular Minister all the time. Therefore, if you do not protect our rights, then there is an end to the matter and at today's discussion I shall not further participate but I shall have to walk out. Therefore, would you tell me whether I shall have a right of reply?

Mr. SPEAKER: I deprecate very strongly the honourable member's aspersion that it is only he who has been shut out by me from his right of reply——(Sri JYOTI BASU: Absolutely.) and that is further adding insult to the injury and I deprecate such remarks by any member that it is in his case alone that he is being prevented, which casts a reflection on the ruling of the Chair. I would request the honourable member to observe propriety of his remarks so far as the Speaker is concerned. They may be abusing each other and they have been doing so but they should excuse the Speaker from such venomous attacks which have become the practice now-a-days.

Sri JYOTI BASU: As I have already stated, as I have been shut out of my right of reply, I shall not further participate in the discussion but withdraw from the House.

Mr. SPEAKER: I do not wish to shut out the honourable members from replying to any question which has been raised on the motion itself and which is relevant to the subject matter of discussion, but if it be a question of something being said by the Hon'ble Minister in reply to something irrelevant which has been said by the honourable mover, in that case I regret I cannot permit this mutual discussion to go on on an irrelevant matter. I wish to make it quite clear that I do not wish to shut out any member of this House from the rights and privileges which he enjoys but at the same time I do expect there should not be any abuse of such rights and privileges.

Sri JYOTI BASU: Therefore, Sir, after your ruling that I have no right of reply I have no other alternative but to leave the chamber for today.

(The member then left the chamber.)

The motion of Sri Jyoti Basu that this Assembly recommends the convening of a real Constituent Assembly based on adult franchise in order to frame a truly democratic Constitution which will provide for votes for all at the age of 18, nationalization of all basic and key industries without compensation, confiscation of British capital, right of Kishans to land, right of all citizens to work, education, living wage, old age pensions, etc., right to freedom of speech, assembly and organization without qualification, self-determination of all nationalities inhabiting India, and this Assembly further recommends the rejection of the Draft Constitution of India on the following grounds:—

That the Draft Constitution of India is undemocratic and authoritarian favouring as it does the vested interests in that among other things, namely:—

(i) that it restricts the right of citizens to freedom of speech and expression to assemble peacefully and without arms, to form associations or unions, by providing in Article 13(2) that existing laws denying all of these freedoms will not be affected, and the State shall not be debarred from making any law in future depriving the citizens of these rights;

(ii) that the mere directive principles of State policy in Part IV with regard to ensuring right to work, to education, to public assistance in case of unemployment, old age, etc., to adequate means of livelihood and in the matter of ensuring that the ownership

and control of the material resources of the community are so distributed as best to subserve the common good, are of no value inasmuch as these are not enforceable by any Court as laid down in the Constitution;

(iii) that the question of nationalization has been shelved inasmuch as it ensures that no property or business will be taken away from the owners even in case of British and foreign capitalists without compensation even if needed for public welfare;

(iv) that it preserves the rights of Rajas and Maharajas and gives lesser rights to the peoples in the Indian States than in other parts of the Dominion;

(v) that it denies residuary powers to the provinces and does not contemplate self-determination of different nationalities like Bengalis, Assamiyas, Maharastras, Beharis, etc.;

(vi) that it provides for an unnecessary and reactionary Second Chamber in the Centre and some of the provinces;

(vii) that it provides for unwieldy constituencies which will make it practically impossible for non-Government parties to contest elections and also because it provides for 21 years in place of 18 years as the voting age;

(viii) that it provides for special ordinance-making power for the Governor and the President without limitation; and

(ix) that it provides for indirect election of President who has been given unlimited powers;

was then put and lost.

GOVERNMENT BILL.

The West Bengal Land Development and Planning Bill, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I beg to move that the West Bengal Land Development and Planning Bill, 1948, be taken into consideration

Sir, I would like to have comments from members opposite and if necessary I shall then reply.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Land Development and Planning Bill, 1948, be taken into consideration was then put and agreed to.

Clause 1.

Sri D. N. Mukherji: Sir, I beg to move that after clause 1(2), the following sub-clause be added, namely :—

"(3) It shall come into force on the date on which the West Bengal Land Development and Planning Ordinance, 1948 (West Bengal Ordinance II of 1948), ceases to operate".

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that clause 1, as amended, do stand part of the Bill was then put and agreed to.

Clause 2.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 2, for paragraph (*d*), the following paragraph be substituted, namely—

"(*d*) public purpose includes—

(*i*) the settlement of immigrants who have migrated into the Province of West Bengal on account of circumstances beyond their control,

(*ii*) the establishment of towns, model villages and agricultural colonies,

(*iii*) the creation of better living conditions in urban and rural areas, and

(*iv*) the improvement and development of agriculture, forestry, fisheries and industries;".

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

Shaik MOHAMAD RAFIQUE: Mr. Speaker, on the last occasion when we agreed to sit on Saturday we were under the impression, as one day was specially lost on account of the death of the Quad-e-Azam, that we would sit today only to discuss the Draft Constitution.

The Hon'ble Sri KIRAN SANKAR ROY: We agreed to sit till 12-30.

The motion of Sri D. N. Mukherji that in clause 2, for paragraph (*d*) the following paragraph be substituted, namely—

"(*d*) public purpose includes—

(*i*) the settlement of immigrants who have migrated into the Province of West Bengal on account of circumstances beyond their control,

(*ii*) the establishment of towns, model villages and agricultural colonies,

(*iii*) the creation of better living conditions in urban and rural areas and

(*iv*) the improvement and development of agriculture, forestry, fisheries and industries;"

was then put and agreed to.

The question that clause 2, as amended, do stand part of the Bill was then put and agreed to.

Clause 3.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 3, lines 2 and 3, for the words "to be called the Prescribed Authority" the following be substituted, namely:—

"(hereinafter referred to as the prescribed authority)".

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendment.

The motion was then put and agreed to.

The question that clause 3, as amended, do stand part of the Bill was then put and agreed to.

Clause 4.

Sri BIMAL COMAR CHOSE: Sir, I beg to move that the following proviso be added to clause 4, namely:—

"Provided that the person so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other Chief Revenue Officer of the district, and such decision shall be final."

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion was then put and agreed to.

Shaik MOHAMAD RAFIQUE: Sir, we have not come prepared with the papers. We were under the impression that we would only sit for the discussion of the Draft Constitution. We do not know what is being passed.

The Hon'ble Sri KIRAN SANKAR ROY: Why not walk out of the House as a protest?

Shaik MOHAMAD RAFIQUE: We are not going to emulate your example.

Mr. SPEAKER: After passing clause 4, I shall adjourn the House.

The question that clause 4, as amended, do stand part of the Bill was then put and agreed to.

Adjournment.

The House was then adjourned at 12-30 p.m. till 3-30 p.m. on Monday, the 20th September, 1948, at the Assembly House, Calcutta.

WBGP-48/9-6879A-350